

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:        RACHEL LOWE, L.P.N.**  
**License No.: 0002-068507**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on December 3, 2014, in Henrico County, Virginia. Rachel Lowe, L.P.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate Ms. Lowe was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Rachel Lowe, L.P.N., was issued License No. 0002-068507 to practice practical nursing in Virginia on April 23, 2004. The license expired on September 30, 2014. Her primary state of residence is Virginia.

2. By letter dated October 20, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Lowe notifying her that an informal conference would be held on December 3, 2014. The Notice was sent by certified and first class mail to 638 Hill Street, Tazewell, Virginia 24630, the address of record on file with the Board of Nursing. The certified mail was returned to the Board office marked "unclaimed." The Notice sent by first class mail was not returned. The Agency Subordinate concluded that adequate notice was provided to Ms. Lowe and the informal conference

proceeded in her absence.

3. During the course of Ms. Lowe's employment with Clinch Valley Medical Center, Richlands, Virginia, a drug screen conducted at the end of her shift on July 3, 2014, was positive for alcohol and cannabinoids.

4. Ms. Lowe's blood alcohol content was 0.035 ten hours into her shift. Ms. Lowe's employment was terminated.

5. The urine drug screen collected on July 3, 2014, was reported as positive for cannabinoids at 24 ng. On August 12, 2014, during an interview with an investigator from the Department of Health Professions, Ms. Lowe admitted to drinking "moonshine" on July 2, 2014, and to smoking marijuana a few weeks prior. She denied having a substance abuse problem.

#### CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Rachel Lowe, L.P.N., to renew License No. 0002-068507 is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Lowe shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Lowe shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice practical nursing.

5. This suspension shall be STAYED upon proof of entry into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Lowe shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Rachel Lowe, L.P.N., and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Lowe is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Lowe's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Lowe involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Lowe's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Lowe's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. Lowe's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Lowe shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission

of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Ms. Lowe shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Lowe failed to appear at the informal conference, this Order shall be considered final. Ms. Lowe has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Lowe has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

*per* Gloria Mitchell-Lively  
Jay P. Douglas, (M.S.M., R.N., C.S.A.C., F.R.E.)  
Executive Director  
Virginia Board of Nursing

Certified True Copy

By L. Robinson-Howers  
Virginia Board of Nursing

Entered: February 12, 2015