

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JONI DRINKARD, R.N.
License No.:0001-137894**

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 November 12, 2014, in Henrico County, Virginia. Joni Drinkard, R.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 12, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Drinkard 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. Joni Drinkard, R.N., was issued License No. 0001-137894 to practice professional nursing in Virginia on June 10, 1994. The license is scheduled to expire on January 31, 2015. Ms. Drinkard's 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. Drinkard notifying her that an informal conference would be held on November 12, 2014. The Notice was sent by certified and first class mail to 1426 Waterlick Road, Lynchburg, Virginia 24501, the address of record on file with the Board of Nursing. The Notice sent by

certified mail was accepted by Ms. Drinkard on October 22, 2014. As of November 12, 2014, the Notice sent by first class mail had not been returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Drinkard and the informal conference proceeded in her absence.

3. Term No. 2 of the Order of the Board entered January 25, 2013 ("Board's Order"), required Ms. Drinkard to have an evaluation by a Board-approved mental health and a chemical dependency specialist, and a complete physical by a Board-approved physician, and have the report of said evaluations sent to the Board within 90 days of the entry of the Order.

4. On April 10, 2013, Ms. Drinkard submitted to the Board an annual physical examination self-assessment that she herself had completed prior to a medical appointment. The assessment was signed by a physician who had not been approved by the Board. Ms. Drinkard failed to have a mental health and a chemical dependency evaluation submitted to the Board.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of Term No. 2 of the Board's Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-137894 of Joni Drinkard to practice professional nursing is INDEFINITELY SUSPENDED until such time as she complies with the terms of the Board's Order entered January 25, 2013.

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 The license will be recorded as suspended and no longer current.

3. At such time as Ms. Drinkard shall undergo and submit the reports of the evaluations required by the Board's Order entered January 25, 2013, the suspension shall be lifted. Upon receipt of the required evaluations, the Board may request that Ms. Drinkard appear before a Special Conference Committee in order to review the specialist's recommendations and make a final disposition in this

matter.

4. This suspension applies to any multistate privilege to practice professional nursing.
5. Ms. Drinkard is hereby REPRIMANDED.

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. Drinkard failed to appear at the informal conference, this Order shall be considered final. Ms. Drinkard 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. Drinkard has 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

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

Entered: February 9th, 2015

Certified True Copy

By *Stanley E. J.*
Virginia Board of Nursing