

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**JONI DRINKARD, R.N.**

**License No.: 0001-137894**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on December 3, 2012, in Henrico County, Virginia, to inquire into evidence that Joni Drinkard, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Drinkard was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Joni Drinkard, R.N., was issued License No. 0001-137894 to practice professional nursing in the Commonwealth of Virginia on June 10, 1994. Said license expires on January 31, 2013. Ms. Drinkard’s primary state of residence is Virginia.
2. By letter dated November 8, 2012, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Drinkard notifying her that an informal conference would be held on December 3, 2012. The Notice was sent by certified and first class mail to 520 Pugh Drive, Lynchburg, Virginia 24501, the address of record on file with the Board of Nursing. The Notice was also sent to 118 Grove Avenue, Madison Heights, Virginia 24572, a secondary address.
3. On August 7, 2012, Ms. Drinkard was convicted of three counts of petit larceny in the Lynchburg, Virginia, General District Court.
4. Ms. Drinkard stated to the arresting police officer from the Lynchburg Police Department that she suffered from a number of medical problems and took pain medications without relief. Ms. Drinkard

admitted stealing approximately 93 tablets of Xanax (C-IV) and 30 tablets of Percocet (C-II) from her co-workers, which formed the basis of her petit larceny convictions. On August 20, 2012, Ms. Drinkard pled guilty of possession to Schedule I and II Controlled Substances in the Lynchburg, Virginia, Circuit Court, and the matter was continued for 12 months.

5. Ms. Drinkard stated that she does not attend Narcotics Anonymous or Alcoholics Anonymous, although she acknowledges that she has an addiction to Percocet.

6. Ms. Drinkard stated that she suffers from several medical problems that may require pain management. Ms. Drinkard stated that her current medications include Lortab (C-III).

6. Ms. Drinkard stated that she is on probation for her petit larceny convictions until September 3, 2013. She is currently paying restitution and court costs in the amount of \$490.00, and must complete 100 hours of community service.

7. Ms. Drinkard stated that she is currently employed with Applebee's restaurant waiting tables.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

#### **ORDER**

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Joni Drinkard, R.N., is hereby REPRIMANDED.
2. Ms. Drinkard shall have an evaluation by a mental health and a chemical dependency specialist, and a complete physical. The evaluators and physician must be satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within 90 days after the date that this Order is entered. Upon receipt of the required information, the Board may request that Ms. Drinkard reappear before a Special

Conference Committee in order to consider the specialist's recommendations and to make a final disposition of the matter.

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

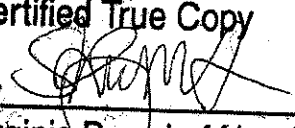
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Drinkard and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

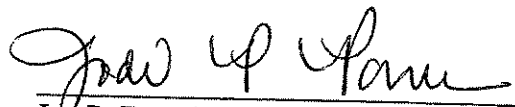
Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Drinkard may, not later than 5:00 p.m., on February 27, 2013, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

Certified True Copy

By   
Virginia Board of Nursing

  
Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director, Virginia Board of Nursing

ENTERED: January 25, 2013

This Order shall become final on February 27, 2013 unless a request for a formal administrative hearing is received as described above.