

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ASHLEY SOWERS, L.P.N.
License No.: 0002-079273

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 9, 2014, in Henrico County, Virginia, to inquire into evidence that Ashley Sowers, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. Ms. Sowers 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. Ashley Sowers, L.P.N., was issued License No. 0002-079273 to practice practical nursing in the Commonwealth of Virginia on October 17, 2008. Said license expires on April 30, 2015. Ms. Sowers’ primary state of residence is Virginia.
2. By letter dated July 15, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Sowers notifying her that an informal conference would be held on August 11, 2014. The Notice was sent by certified and first class mail to 1025 Cambria St. NW, Christiansburg, Virginia, 24073, the address of record on file with the Board of Nursing. The Notice was also sent to 505 W. Rock Road, Radford, Virginia, a secondary address. Ms. Sowers requested and was granted a continuance of the informal conference and was notified that an informal conference would be held on December 9, 2014.
3. On her September 9, 2013, application for employment with Consulate Health Care, Skyline Nursing and Rehabilitation Center, Floyd, Virginia, Ms. Sowers:

a. falsely stated her employment with Team Nurse had ended because the client left, although her employment had been terminated.

b. falsely stated that her employment with Heritage Hall had ended because she started school full time, although her employment had been terminated.

c. failed to disclose her previous employment with an ENT office in Blacksburg had been terminated.

4. On her May 3, 2013, application for employment with Team Nurse, Roanoke, Virginia, Ms. Sowers:

a. failed to disclose that her employment with a medical office in Blacksburg had been terminated.

b. falsely stated that her employment with Heritage Hall had ended because she started school full time, although her employment had been terminated.

5. On her April 11, 2013 application with Interim Health Care, Ms. Sowers failed to disclose that her employment with a medical office in Blacksburg and Heritage Hall had been terminated.

6. Ms. Sowers stated at the informal conference that with the exception of an application with Nurse Finders, she had made false statements on all of her applications for employment. At least three of her positions ended via termination between 2012 and 2013. Ms. Sowers resigned her employment with Berkshire in August 2012 under suspicion of medication issues, and she failed a pre-employment drug screen with Consulate Health Care in October 2013.

7. On November 15, 2013, Ms. Sowers entered a plea of guilty in the Circuit Court of the City of Radford to an indictment charging possession of a Schedule I/II controlled substance, to wit, cocaine. Currently, her case is pending before the court. If she satisfies all court-required terms and conditions, including 100 hours of community service, her case will be dismissed by the Court.

8. Ms. Sowers stated that a substance abuse evaluation ordered by Child Protective Services revealed that she had no substance abuse issues, although she did not provide a copy of the evaluation to the Committee. However, during a police investigation into the welfare of Ms. Sowers' minor child in March 2013, Ms. Sowers admitted to using crack cocaine.

9. Ms. Sowers stated that she has been diagnosed with depression and anxiety, but she is not taking medication due to lack of health insurance. She had been on Effexor and Buspar and self-tapered her cessation of Buspar. She did not inform her physician that she was stopping the medication. She stated that her support system includes her mother and sister.

10. Ms. Sowers is currently employed at NurseFinders. She has worked there full time for the past year. She stated that NurseFinders was aware of her appearance before the Board.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute violations of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS that Ashley Sowers, L.P.N., shall be placed on PROBATION for a period of one year of actual nursing practice and subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Sowers has completed one year of active practice as a licensed practical nurse. The license of Ms. Sowers shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding unless there is a pending investigation or unresolved allegation involving a violation of law, regulation, or any term or condition of probation. In that event, the period of probation shall

be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-40000 et seq. and § 54.1-2400(9) of the Code.

2. Ms. Sowers shall have an evaluation by a mental health/chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy and a prognosis sent to the Board within 90 days of from the date this Order is entered. Ms. Sowers shall comply with any recommendations of the specialist. If therapy is recommended, written progress reports by the therapist shall be sent to the Board until Ms. Sowers is discharged from therapy. Ms. Sowers shall direct the therapist to notify the Board if she withdraws from the program before being officially discharged by the therapist.

3. Ms. Showers shall be required to have one supervised unannounced random drug screen a quarter from a Board-approved testing entity, which includes testing for alcohol. The Board shall be notified immediately in writing if Ms. Sowers refuses to give a specimen for analysis as required by this Order or of any positive results. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

4. Ms. Sowers shall request her court appointed probation office to provide to the Board with a written report describing how she is meeting the conditions of her probation within 60 days from the date this Order is entered.

5. Ms. Sowers shall provide the Board with a certified true copy of her final court order placed on record by the Court upon completion of her probation.

6. Performance evaluations shall be provided to the Board, at the direction of Ms. Sowers, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.

7. Ms. Sowers shall provide evidence within 60 days of entry of the Order that she has completed the following NCSBN online courses: *Ethics of Nursing Practice* and *Professional Accountability & Legal Liability for Nurses*.

8. Ms. Sowers shall return all copies of her license to practice as a practical nurse to the Board office within 10 days of the date of entry of this Order, along with a payment of a duplicate license fee as specified in the regulations governing nursing. Upon receipt, the Board shall issue a replacement licensed practical nurse licensed marked “Valid in Virginia Only; Probation with Terms.”

9. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the month of March, June, September and December until the period of probation ends. Many of the required reports are on the Boards website for convenience.

10. Ms. Sowers shall inform the Board in writing within 10 days of the date any practice employment begins, changes, is interrupted, or ends. Ms. Sowers shall provide a contact name, address, and phone number for each practice employer to the Board.

11. Ms. Sowers shall inform all current and future practice employers that the Board has placed her on probation and Ms. Sowers shall provide each practice employer with a complete copy of this Order. If Ms. Sowers is employed through a staffing agency, she shall inform her supervisor in each facility that she is on probation.

12. Ms. Sowers shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an *Authorization for Disclosure of Information* form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any consultants designated by the Board, if applicable.

13. Ms. Sowers shall submit “Self-Reports” which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports shall be submitted whether Ms. Sowers has current practice employment or not.

14. Ms. Sowers shall conduct herself as a practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

15. 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. Sowers and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

16. This order shall be applicable to Ms. Sowers’ multistate licensure privilege, if any, to practice practical nursing. For the duration of this Order, Ms. Sowers shall not work outside 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 Ms. Sowers wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

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. Sowers may, not later than 5:00 p.m., on March 8, 2015, 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:

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

ENTERED: Sub 3, 2015

This Order shall become final on March 8, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By: [Signature]
Virginia Board of Nursing