

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

DIANA D. PALMER, R.N.

CONSENT ORDER FOR REINSTATEMENT AND PROBATION

Pursuant to § 9-6.14:11 and § 54.1-110 of the Code of Virginia (1950), as amended, (the "Code"), an Informal Conference was held before a Special Conference Committee of the Virginia Board of Nursing (the "Board") on December 7, 1990, in Richmond, Virginia. The purpose of the hearing was to receive and act upon evidence regarding the petition of Diana D. Palmer, R.N., for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia, which was suspended by an Order of the Board entered on September 6, 1988. Diana D. Palmer was present and not represented by counsel. The Virginia Board of Nursing and Diana D. Palmer enter into the following Consent Order.

FINDINGS OF FACT

1. Diana D. Palmer, previously held License No. 0001-082019 to practice professional nursing, which was issued by the Virginia Board of Nursing.

2. On August 30, 1988, an Order was entered by the Board summarily suspending Ms. Palmer's license to practice as a Registered Nurse in the Commonwealth of Virginia. Subsequently, on September 6, 1988, a Consent Order was entered by the Board suspending Ms. Palmer's license for not less than two years for diverting and self-administering Schedule II controlled

substances. On August 13, 1990, Ms. Palmer petitioned the Board for reinstatement of her Registered Nurse license.

3. Previously, pursuant to a Consent Order entered on March 24, 1987, Ms. Palmer's license to practice as a Registered Nurse had been placed on probation due to her diverting and self-administering Schedule II controlled substances.

4. On December 21, 1988, an Order was entered in Henrico County Circuit Court, Virginia sentencing Ms. Palmer for a felony conviction of obtaining Dilaudid, a Schedule II controlled substance, by fraud. The imposition of a penitentiary sentence was suspended for ten (10) years.

5. From July 19, 1988 to October 31, 1988, Ms. Palmer received treatment as an outpatient for chemical dependency at St. John's Hospital, Richmond, Virginia.

6. From November 30, 1988 to April 4, 1989, Ms. Palmer continuously attended St. John's Aftercare Program. Her counselor reported her to be a positive person in group as well as open, honest and willing in her recovery process.

7. According to Ms. Palmer's statements to the Special Conference Committee, she reports a sobriety date of June 28, 1988. In September 1990, she began attending Women for Sobriety meetings once a week.

8. Ms. Palmer has not been employed since her license was suspended in August 1988, nor has she taken any continuing education classes in nursing practice since that date.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Diana D. Palmer has met the requirements of § 54.1-3009(c) of the Code of Virginia (1950), as amended, and that she is competent to return to the practice of nursing with reasonable skill and safety to her patients.

CONSENT

Diana D. Palmer, by affixing her signature hereon, agrees to the following:

1. She acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;

2. She acknowledges that she is fully aware that, without her consent, no legal action can be taken against her, except pursuant to the Virginia Administrative Process Act, § 9-6.14:1, et seq. of the Code;

3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel and the right to cross-examine witnesses against her;

4. She waives all such rights to a formal hearing;

5. She admits to the above Findings of Fact; and

6. She consents to the entry of the following Order affecting her license to practice professional nursing in the Commonwealth of Virginia.

ORDER

WHEREFORE, it is hereby ORDERED that the license of Diana D. Palmer to practice professional nursing in the Commonwealth of Virginia, be REINSTATED ON PROBATION with the following terms and conditions:

1. The probationary period shall commence on the date of entry of this Consent Order and shall continue INDEFINITELY. Ms. Palmer may petition the Board for termination of her probation after not less than two (2) years of employment as a Registered Nurse.

2. Ms. Palmer shall practice nursing only in a structured, supervised employment setting acceptable to the Board.

3. Ms. Palmer shall inform the Board in writing of the date she resumes practice as a Registered Nurse and will provide the Board with the name and address of the employer. Ms. Palmer will inform the Board of any change of employment or any interruption in nursing practice.

4. Ms. Palmer will inform her nursing employer and any prospective nursing employer that the Board has placed her license on probation. The Board may provide her employer with a copy of this Order and may communicate with her employer.

5. Ms. Palmer will direct her nursing employer to submit a nursing performance evaluation to the Board every three months, the first evaluation to be submitted the third month following the beginning of employment and continuing every three months until the cessation of probation.

6. Ms. Palmer will not administer any mood altering controlled medication for the first twelve (12) months of employment as a Registered Nurse.

7. Ms. Palmer will submit to supervised random drug screens and have all results sent to the Board quarterly. The first result will be submitted to the Board the third month following the date of entry of this Consent Order. Positive results will be submitted immediately.

8. Ms. Palmer shall continue active participation in Women for Sobriety and begin active participation in Caduceus with progress reports submitted quarterly to the Board to verify her attendance.

9. Ms. Palmer will abstain from the use of alcohol and all other mood altering chemicals except as prescribed by a physician with whom she has established a bona fide physician/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any controlled substances, a written report from the prescribing physician will be submitted to the Board within ten (10) days of the prescribing thereof.

10 . Quarterly reports will be submitted by Ms. Palmer which will include her current address and current employment, if any. This report is due on the third month following the date of entry of this Consent Order and each quarter thereafter during her period of nursing probation.

11. The Board will issue a license marked PROBATION WITH TERMS upon receipt of the appropriate fee.

12. Ms. Palmer will maintain a course of conduct in her capacity as a Registered Nurse commensurate with the requirements of Title 54.1, Chapter 30 of the Code of Virginia, 1950, as amended, and the Regulations of the Board of Nursing.

D. Palmer

Any violation of the terms and conditions hereof will constitute grounds for the revocation of the license of Diana D. Palmer, R.N., and a hearing will be convened to determine whether her license will be revoked.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, 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.

FOR THE BOARD

Patricia W. Williams, RN
Patricia W. Williams, R.N.
President

ENTERED AND EFFECTIVE:

January 30, 1991

SEEN AND AGREED TO:

Diana D. Palmer
Diana D. Palmer

COMMONWEALTH OF VIRGINIA,
County/City of Henrico, to-wit:

Subscribed and sworn to before me, _____,
a Notary Public, by Diana D. Palmer, this 21 day of DECEMBER,
1990.

My commission expires the 30 day of NOVEMBER, 1994.

Carla Marie Wilkey
Notary Public

Received: February 4, 1991

By: Bernard L. Henderson, Jr.
Bernard L. Henderson, Jr., Director
Department of Health Professions