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VIRGINIA BOARD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

DIANA DILLARD GOODE, R.N.

CONSENT ORDER

Pursuant to § 2.2-4019, § 2.2-4021, and § 54.1-2400(10) of the Code of Virginia (1950), as amended (the "Code"), an informal conference was held before a Special Conference Committee of the Board of Nursing (the "Committee") on April 5, 2005, in Henrico County, Virginia, to receive and act upon evidence that Diana Dillard Goode, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Goode was present and was not represented by counsel.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Diana Dillard Goode, R.N., holds License No. 0001-082019 issued by the Virginia Board of Nursing.
2. On or about August 15, 2002, Ms. Goode entered into a Participation Contract with the Health Practitioners' Intervention Program ("HPIP"), 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 HPIP. This was done with the understanding that the program is to assist those persons who have impairment, defined as "a physical or mental disability, including, but not limited to substance abuse, that substantially alters the ability of a practitioner to practice his profession with safety to his patients and the public." On or about October 21, 2004, Ms. Goode entered into Recovery Monitoring Contract #7. In October 2000, the HPIP Committee granted Ms. Goode a stay of disciplinary action. Ms. Goode's stay of disciplinary action was vacated on August 20, 2004, due to a report that she was non-compliant with the terms of her contract. Specifically,

Ms. Goode relapsed on meperidine (Schedule II) in November 2003, by taking more than the recommended dose following surgery; on or about January 23, 2004, she relapsed on alcohol while at a social function; and on July 30, 2004, she admitted to her case manager that she had been self-injecting insulin, as described below, in order to cause medical emergencies.

3. Ms. Goode violated § 54.1-3007(2), (5) and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Regulations of the Board of Nursing, in that, during the course of her employment at Chippenham Medical Center, Richmond, Virginia, beginning at some indefinite point and continuing until at least on or about July 7, 2004, Ms. Goode self-injected insulin while at work, resulting in self-induced hypoglycemia. On July 8, 2004, Ms. Goode was placed on medical leave. On or about July 12, 2004, while seeking treatment for hypoglycemia, a syringe containing twenty (20) units of insulin was found in Ms. Goode's bag. Ms. Goode's self-induced hypoglycemic episodes possibly impaired her practice and placed her patients in danger. While Ms. Goode sought treatment for her self-induced hypoglycemia while on duty, other nurses had to cover her patients, thereby stretching patient care resources.

4. During the course of Ms. Goode's practice at St. Mary's Hospital, Richmond, Virginia, on or about the evening of August 9 and 10, 2002:

a. Ms. Goode violated § 54.1-3007(5) and (6) of the Code, in that, by her own admission, although she was on-call, Ms. Goode should not have reported to work after being paged because Ms. Goode had taken the following prescription medications: Percocet (oxycodone, Schedule III), Neurontin (gabapentin, Schedule VI) and Topamax (topiramate, Schedule VI).

b. Ms. Goode violated § 54.1-3007(2), (5) and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Regulations of the Board of Nursing, in that, she withdrew fentanyl 100mcg (Schedule II) and Versed 5mg (midazolam HCl, Schedule IV) for Patient A's surgery. However, the Endoscopy Procedure Record, signed by Ms. Goode, and the surgeon's Operative Report

state that only 50mcg of fentanyl and 2mg of Versed were administered during the procedure. No wastage or return of the excess fentanyl or Versed is documented.

- c. Ms. Goode violated § 54.1-3007(2), (5) and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Regulations of the Board of Nursing, in that, Ms. Goode withdrew Versed 5mg for Patient B's surgery. However, the Endoscopy Procedure Record, signed by Ms. Goode, and the surgeon's Operative Report state that only 4mg of Versed were administered during the procedure. No wastage or return of the excess Versed is documented. Additionally, Ms. Goode placed the wrong sticker on the charge document.
- d. Ms. Goode violated § 54.1-3007(5) and (6) of the Code, in that, following Patient B's surgery, Ms. Goode was paged because her assistance was required on a third surgery, Patient C's, but Ms. Goode did not respond to the page and she was not easily located. Eventually, Ms. Goode was found exiting the bathroom. Ms. Goode appeared to be impaired, with blood on her arms, uniform, and in the sink. Ms. Goode was also seen to have pricks on her wrists. Ms. Goode was later confronted regarding possible impairment and asked to submit to a drug test. Ms. Goode refused, and therefore terminated.
- e. Ms. Goode violated § 54.1-3007(2), (5), (6) and (8) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Regulations of the Board of Nursing, in that, on her request, another nurse withdrew Versed 5mg and fentanyl 100mcg on behalf of Ms. Goode for Patient C's surgery. However, the Endoscopy Procedure Record, signed by Ms. Goode, states that 5mg of Versed and 100mcg of fentanyl were administered during the procedure. The surgeon's Operative Report states that 3mg of Versed and 100mcg of fentanyl were administered during the procedure. Furthermore, the Endoscopy Discharge Record, signed by Ms. Goode, states that 4mg of Versed and 50mg of Demerol (meperidine, Schedule II)

were administered during the procedure. No wastage or return of any medication is documented. Additionally, during the surgery, it was noted that Ms. Goode seemed to be unable to focus on the task, placed the wrong patient identification stickers on the wrong record, appeared pasty, and her hands were shaking.

5. Ms. Goode violated § 54.1-3007(2) of the Code, and 18 VAC 90-20-300(A)(2)(e) of the Regulations of the Board of Nursing, in that, she falsified information on applications for employment. Specifically:

- a. Ms. Goode's application for employment with St. Mary's Hospital, Richmond, Virginia, stated her reason for leaving her employment with Stuart Circle Hospital, Richmond, Virginia, in March 1995 as "drug rehab." However, Ms. Goode was terminated from her employment on March 1, 1995, for "refusing to submit to [a] drug test."
- b. Ms. Goode's application for employment with Stuart Circle Hospital stated that she was unemployed from June 1988 to February 1991 for "chemical dependency and recovery." However, Ms. Goode's nursing license was suspended, barring her from practice, from September 6, 1988 to January 30, 1991.

CONSENT

Diana Dillard Goode, R.N., by affixing her signature hereon, agrees to the following:

1. Ms. Goode acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
2. Ms. Goode 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, § 2.2-4000.A, et seq., of the Code;
3. Ms. Goode 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. Ms. Goode waives all such right to a formal hearing;
5. Ms. Goode admits to the above Findings of Fact;
6. Ms. Goode consents to the entry of the following Order affecting her practice as a professional nurse in the Commonwealth of Virginia.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Diana Dillard Goode, R.N., who holds License No. 0001-082019, be, and hereby is, placed on INDEFINITE SUSPENSION. Further, the Board ORDERS that said SUSPENSION be STAYED upon demonstration of compliance with her Recovery Monitoring Contract with the HPIP, 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 Health Practitioners' Intervention Program, for a period of six (6) months from the date the Order is entered. At such time, the indefinite suspension shall be STAYED, and the following terms and conditions shall apply:

1. Ms. Goode shall comply with all terms and conditions for the period specified by the HPIP.

2. 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 Ms. Goode, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
 - a) Ms. Goode is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or
 - b) There is a pending investigation or unresolved allegation against Ms. Goode, involving a

violation of law, regulation or any term or condition of this order.

3. Upon successful completion of the specified period of the HPIP, Ms. Goode may petition the Board for reinstatement of an unrestricted license to practice as a professional nurse in the Commonwealth. However, upon receipt of evidence of Ms. Goode's compliance with the HPIP, the Board, at its discretion, may waive Ms. Goode's appearance before it, and conduct an administrative review of this matter.

Upon entry of this Consent Order, the license of Ms. Goode will be recorded as suspended and no longer current until such time as the suspension is stayed. Consistent with the terms of this Consent Order, in the event that Ms. Goode seeks reinstatement of her license, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

This Order shall be applicable to Ms. Goode's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Goode may 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 the respondent wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Consent 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.

DIANA DILLARD GOODE, R.N.

FOR THE BOARD

Louisa Lief RN MSA
Louisa Lief, R.N., M.S.N.
President
Board of Nursing

ENTERED: May 17th 2005

SEEN AND AGREED TO:

Diana Dillard Goode RN
Diana Dillard Goode, R.N.

COMMONWEALTH OF VIRGINIA,

COUNTY/CITY OF Henrico, TO WIT:

Subscribed and sworn to before me, Edith Spicer, a Notary Public, this 5 day of May, 2005.

My commission expires the 30 day of March, 2006

Edith Spicer
NOTARY PUBLIC

Certified True Copy
By KB 6/17/05
Virginia Board of Nursing