

VIRGINIA:

BEFORE THE VIRGINIA STATE BOARD OF NURSING

IN RE: DIANA D. PALMER, R.N.

CONSENT ORDER

After an Informal Conference held on February 26, 1987, pursuant to §§ 9-6.14:11 and 54-367.33:2 of the Code of Virginia (1950), as amended, which conference was properly noticed and attended by the parties hereto, the Virginia State Board of Nursing and Diana D. Palmer, R.N., enter into the following Consent Order.

FINDINGS OF FACT

1. Diana D. Palmer, R.N. holds License No. 0001-082019, issued by the Virginia State Board of Nursing.
2. During the course of her employment as a professional nurse at St. Luke's Hospital, Richmond, Virginia:
 - a. From on or about September, 1985, to on or about September 28, 1986, she diverted certain Schedule II Controlled Substances, to-wit: Demerol and Dilaudid, for her own personal and unauthorized use. Said diversion was accomplished by falsification of certain hospital records in that she signed out Demerol or Dilaudid on narcotics control sheets for patients to whom she did not in fact administer said drug.

b. On October 14, 1985, at 8:30 p.m. she signed out a Demerol 100mg tubex for Patient A, for whom no Demerol was ordered, and diverted same for her own personal and unauthorized use.

c. On November 6, 1985, at 3:10 p.m. she signed out a Demerol 100mg tubex for Patient B, for whom no Demerol was ordered, and diverted same for her own personal and unauthorized use.

d. On November 30, 1985, she signed out a Demerol 100mg tubex for Patient C, for whom there was no emergency room admission record, and diverted same for her own personal and unauthorized use.

e. On January 4, 1986, at 3:00 p.m., she signed out a Demerol 100mg tubex for Patient D, for whom no Demerol was ordered, and diverted same for her own personal and unauthorized use.

f. On January 4, 1986, at 7:00 p.m., she signed out a Demerol 100mg tubex for Patient E, for whom no Demerol was ordered, and diverted same for her own personal and unauthorized use.

g. On August 8, 1986, at 2:15 a.m., she signed out a Demerol 100mg tubex for Patient F, for whom no Demerol was ordered, and diverted same for her own personal and unauthorized use.

h. On August 10, 1986, at 6:00 p.m., she signed out Dilaudid 2mg tubex for Patient G, for whom no Dilaudid was ordered, and diverted same for her own personal and unauthorized use.

i. On September 19, 1986, at 10:30 p.m., she signed out a Dilaudid 100mg tubex for Patient H, for whom no Dilaudid had been ordered, and diverted for her own personal and unauthorized use.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact 2 constitutes violation of §§ 54-367.32(f), (g), (i) and (j) of the Code of Virginia (1950), as amended, and 8.1b(3), 8.1b(5), 8.1b(7), 8.1c and 8.1e of the Board of Nursing Regulations.

CONSENT

Diana D. Palmer, R.N., 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 of Virginia (1950), as amended;

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 nursing in the Commonwealth of Virginia.

ORDER

On the basis of the foregoing, the Virginia State Board of Nursing, effective upon entry of this Order, hereby ORDERS that License No. 0001-082019 issued to Diana D. Palmer, R.N. be placed on PROBATION with the following terms and conditions:

1. The probationary period shall commence on the date of entry of this Order and will end upon completion of eighteen (18) months of actual nursing practice.
2. Diana D. Palmer, R.N., shall notify the Board of any change of address.
3. Diana D. Palmer, R.N., shall inform the Board of the date she resumes practice and will provide the Board with the name and address of the employer. The licensee shall inform the Board of any change of employment or any interruption in nursing practice.

4. Diana D. Palmer, R.N., shall inform her employer and any prospective employer that the Board has placed her license on probation and further consents to the release of information by the Board.

5. Diana D. Palmer, R.N., shall direct her 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. Diana D. Palmer, R.N., shall abstain from the use of alcohol and all mood altering chemicals. Should the licensee be prescribed any controlled substances, a written report from the prescribing physician should be submitted to the Board within ten (10) days of the prescribing thereof.

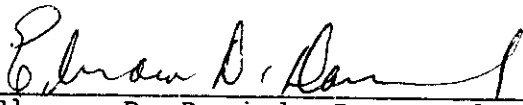
7. Diana D. Palmer, R.N., shall return all copies of her current license to practice professional nursing to the Board office within ten (10) days of the date of entry of this Order. Upon receipt of \$10.00 and the old license, the Board shall issue a new license marked PROBATION WITH TERMS.

8. Diana D. Palmer, R.N., shall maintain a course of conduct in her capacity as a Registered Nurse commensurate with the requirements of Title 54, Chapter 13.1 of the Code of Virginia (1950), as amended, and the Regulations of the State Board of Nursing.

Violations of the terms and conditions hereof shall constitute grounds for the revocation of the license of Diana D. Palmer, R.N. In the event that she violates any of the terms and conditions hereof or any other provision of law, a hearing shall be convened to determine whether the license of Diana D. Palmer, R.N. shall be revoked.

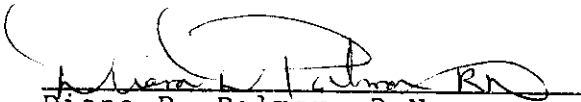
Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, the signed original of this Consent Order shall remain in the custody of the Department of Health Regulatory Boards as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD


Elnora D. Daniel, R.N., EDD.
President

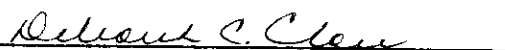
Entered: 3/24/87

Seen and Agreed to:


Diana D. Palmer, R.N.

Subscribed and sworn to before me DIANA D. PALMER
DEBORAH C. CLUNE, a Notary Public in and for the City/
County of HENRICO, Commonwealth of Virginia,
by Diana D. Palmer, R.N. this 16th day of
MARCH, 1987.

My commission expires: JUNE 29, 1990


Notary Public