

VIRGINIA:

BEFORE THE COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

IN RE: RAHSHEDA R. BAKER, L.N.P.
License Nos.: 0024-169971, 0017-140530

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a quorum of the Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") on December 10, 2014, in Henrico County, Virginia, to inquire into evidence that Rahsheda R. Baker, L.N.P., may have violated certain laws and regulations governing the practice of nurse practitioners in Virginia. The case was presented by Tammie Jones, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Committee of the Joint Boards. Ms. Baker was present and was represented by W. Bryan Block, Esquire. The proceedings were recorded by a certified court reporter.

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

FINDINGS OF FACT

1. Rahsheda R. Baker, R.N., L.N.P., was issued License No. 0024-169971 to practice as a nurse practitioner in the Commonwealth of Virginia on March 19, 2012, with a specialty in family medicine. Said license expires on August 31, 2015. Ms. Baker holds License No. 202044 to practice professional nursing in the State of North Carolina, which is set to expire on August 31, 2016. By virtue of the Nurse Licensure Compact Act, Ms. Baker holds a multistate privilege to practice professional nursing in Virginia.
2. From September 1, 2013 to November 24, 2013, Ms. Baker practiced as a nurse practitioner and wrote prescriptions on an expired license.
3. From October 3, 2012 to October 8, 2013, Ms. Baker treated Individual A without a bona fide

practitioner-patient relationship and prescribed the following medications: oxycodone, oxymorphone and meperidine, all Schedule II controlled substances, and phentermine, Ambien (zolpidem), Ativan (lorazepam), Lunesta (eszopiclone) and diazepam, all Schedule IV controlled substances. Ms. Baker testified that she submitted a complete copy of Individual A's medical charts in email format to the Board, but those alleged records, which could not be substantiated as true medical records, did not correspond with many of the prescriptions written to Individual A.

4. From June 13, 2013 to October 8, 2013, Ms. Baker wrote prescriptions for meperidine, temazepam and diazepam in the name of Individual A and kept the medications for herself, as evidenced by the following: On August 15, 2013, during an appointment with her primary care physician, and on September 10, 2013, during a psychological evaluation, Ms. Baker reported that Individual A was deployed in Germany and would be returning in December 2013. According to Ms. Baker's own records, she treated Individual A 13 times from October 2012 to October 2013. Three of those visits were documented when other evidence indicates Individual A was deployed.

5. On May 23, 2013, Ms. Baker wrote a prescription for Locoid cream for use by Individual A. Ms. Baker presented no documentation that Individual A was seen for any condition that would warrant such a prescription. Additionally, on June 13, 2013, she wrote a prescription for meperidine for Individual A. Both prescriptions were written using a prescription pad from her former employer; however, Individual A was not a patient of that practice.

6. Between February 2013 and May 2013, Ms. Baker wrote prescriptions for 380 dosage units of oxycodone in the name of Individual A. Between April 2013 and October 2013, Ms. Baker wrote prescriptions for 866 dosage units of benzodiazepines in the name of Individual A. These prescriptions were not provided in an emergency situation or an isolated setting where there was no other qualified practitioner available to the patient, and further were not provided for a single episode of an acute illness through a prescribed course of medication.

7. On several occasions between April 2013 and February 13, 2014, several practitioners recommended inpatient substance abuse treatment and individual psychotherapy; however, Ms. Baker refused said treatment. On August 3, 2013, Ms. Baker was diagnosed with anxiety with depression, opioid dependence and benzodiazepine dependence. On August 15, 2013, she entered a Long Term Controlled Substance Therapy Agreement with a physician at the Portsmouth Naval Medical Center. On August 22, 2013, Ms. Baker violated the agreement by increasing her medications without physician approval. Ms. Baker's medical records from civilian and military practitioners exhibited a pattern of drug seeking behavior in that she frequently scheduled appointments with different specialists in order to obtain additional medication and called to request early refills.

8. Ms. Baker testified that she was not familiar with the laws and regulations governing the treatment of family members. Furthermore, Ms. Baker acknowledged that she was not aware of the regulatory restrictions in place for prescribing phentermine.

9. Ms. Baker testified that Individual A currently sees a primary care provider on his naval base. She testified that she did not transfer any medical records associated with Individual A to the new provider.

CONCLUSIONS OF LAW

The Committee of the Joint Boards concludes that:

1. Finding of Fact No. 2 constitutes a violation of §§ 54.1-3007(3), (5) and (8) and 54.1-3008(A)(2) of the Code, 18 VAC 90-30-160 and 90-30-220(4) and (6) of the Regulations Governing the Licensure of Nurse Practitioners and 18 VAC 90-40-121 and 90-40-130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners.

2. Finding of Fact No. 3 constitutes a violation of §§ 54.1-3007(2), (5) and (8), and 54.1-3303(A) of the Code, 18 VAC 90-30-220(3), (4) and (6) of the Regulations Governing the Licensure of Nurse Practitioners and 18 VAC 90-40-121 and 90-40-130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners.

3. Finding of Fact No. 4 constitutes a violation of §§ 54.1-3007(2), (3), (5), (6) and (8) and 54.1-3303(A) of the Code, 18 VAC 90-30-220(4), (5) and (6) of the Regulations Governing the Licensure of Nurse Practitioners, 18 VAC 90-40-121 and 90-40-130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

4. Finding of Fact No. 5 constitutes a violation of §§ 54.1-2957(B) and 54.1-3007(5) and (8) of the Code, 18 VAC 90-30-220(4) and (6) of the Regulations Governing the Licensure of Nurse Practitioners, 18 VAC 90-40-121 and 90-40-130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.

5. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code and 18 VAC 90-30-220(5) of the Regulations Governing the Licensure of Nurse Practitioners.

ORDER

WHEREFORE, the Committee of the Joint Boards of Nursing and Medicine, effective upon entry of this Order, hereby ORDERS as follows:

1. Rahsheda R. Baker, R.N., L.N.P., is hereby REPRIMANDED.
2. License No. 0024-169971 and Prescriptive Authority No. 0017-140530 issued to Rahsheda R. Baker, R.N., L.N.P., to practice as a nurse practitioner in the Commonwealth of Virginia are hereby INDEFINITELY SUSPENDED.
3. The license and prescriptive authority of Ms. Baker will be recorded as SUSPENDED and no longer current. Should Ms. Baker seek reinstatement of her license and prescriptive authority consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license and prescriptive authority to resume practice.
4. At such time as Ms. Baker shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to safe and competent

practice as a nurse practitioner.

5. Said suspension shall be STAYED upon proof that Ms. Baker has entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") or similar program in her primary state of residence and upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:

a. Ms. Baker shall comply with all terms and conditions for the period specified by the HPMP.

b. 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 and prescriptive authority of Rahsheda R. Baker, R.N., L.N.P., and an administrative proceeding shall be held to decide whether her license and prescriptive authority shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Baker is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or


ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

6. Upon receipt of evidence of Ms. Baker's participation in and successful completion of the terms specified by the HPMP, the Committee of the Joint Boards, at its discretion, may waive Ms. Baker's appearance before the Committee, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license and prescriptive authority.

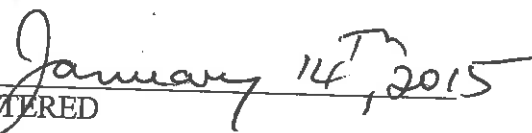
7. Ms. Baker shall maintain a course of conduct in her capacity as a nurse practitioner commensurate with the requirements of §§ 54.1-2957 and 54.1-3000 *et seq.* of the Code, the Regulations Governing the Licensure of Nurse Practitioners and the Regulations for Prescriptive Authority for Nurse Practitioners.

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.

FOR THE COMMITTEE OF THE JOINT BOARDS




Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing


ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 

Virginia Board of Nursing