

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JAMIE CALE, L.P.N. REINSTATEMENT APPLICANT  
License No.: 0002-063502

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 panel of the Board of Nursing ("Board") on November 19, 2014, in Henrico County, Virginia, to receive and act upon Jamie Cale's application for reinstatement of her license to practice practical nursing in Virginia, which was mandatorily suspended by Order of the Department of Health Professions entered November 29, 2007, and to inquire into evidence that Ms. Cale may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. James E. Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Cale was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

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

FINDINGS OF FACT

1. Jamie Cale, L.P.N., was issued License No. 0002-063502 to practice practical nursing in the Commonwealth of Virginia on April 30, 2002. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on November 29, 2007.
2. Ms. Cale submitted an application for reinstatement of her license to practice practical nursing which was received by the Board on August 6, 2014. Ms. Cale declared Virginia as her primary state of residence.
3. On September 12, 2006, Ms. Cale was convicted of two counts of embezzlement of less than

\$200.00, a misdemeanor involving moral turpitude, in the General District Court of the City of Suffolk, Virginia.

4. On November 21, 2006, Ms. Cale was convicted of petit larceny, a misdemeanor involving moral turpitude, in the Circuit Court of the City of Norfolk, Virginia.

5. On January 25, 2007, Ms. Cale was convicted of grand larceny, a felony, in the Circuit Court of the City of Suffolk, Virginia.

6. On January 24, 2004, Ms. Gale was convicted of grand larceny, a felony, in the Circuit Court of the City of Suffolk, Virginia.

7. On February 6, 2008, Ms. Cale was convicted of possession of heroin, in the Circuit Court of Isle of Wight County, Virginia.

8. Ms. Cale has an admitted history of substance abuse for which she is prescribed Suboxone (C-III). Ms. Cale has been diagnosed with bipolar disorder and post-traumatic stress disorder.

9. On her application for reinstatement of her license to practice practical nursing received by the Board on August 6, 2014, Ms. Cale answered "NO" to the question "Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing?" when, in fact, Ms. Cale has an admitted history of substance abuse and mental illness as evidenced by Finding of Fact No. 8.

10. Ms. Cale testified that she completed her court-ordered probation in June 2013. Ms. Cale further testified that she completed an intensive outpatient program one year ago. She stated that she sees a psychiatrist every three months, and reported that she regularly attends Narcotics Anonymous and has completed all of the Steps. Ms. Cale reported her sobriety date as August 13, 2006. Additionally, she is in a Suboxone treatment program and sees her physician once a month.

11. Ms. Cale stated that she last practiced as a nurse in 2007. She submitted evidence of completing 20 continuing education units in February and March 2014. She testified that she has taken

additional continuing education credits since that time.

### CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact Nos. 3 through 7 constitute a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(6) of the Code.
3. Finding of Face No. 9 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing.

### ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0002-063502, issued to Jamie Cale to practice practical nursing in the Commonwealth of Virginia, be and hereby is REINSTATED under the following terms and conditions:

1. License No. 0002-063502 issued to Ms. Cale to practice practical nursing in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon proof that Ms. Cale has entered into the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with the terms of the HPMP and the following terms and conditions:
  - a. Ms. Cale 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 of Ms. Cale, 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:
    - i. Ms. Cale 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.

2. Upon receipt of evidence of Ms. Cale's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Cale's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

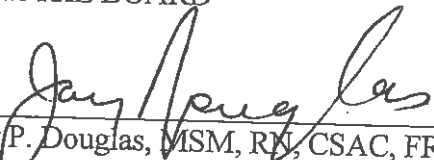
4. Ms. Cale is hereby REPRIMANDED.

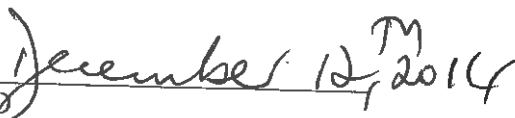
5. This Order shall be applicable to Ms. Cale's multistate licensure privileges, if any, to practice practical nursing. It is further ordered that for the duration of this Order, Ms. Cale may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

6. Ms. Cale shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 BOARD

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

  
ENTERED

Certified True Copy

By   
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Virginia Board Of Nursing

**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.