

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           PATRICIA MCNULTY, R.N.**  
**License No.: 0001-234960**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on September 4, 2014 in Henrico County, Virginia. Patricia McNulty, R.N. was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. McNulty was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Patricia McNulty, R.N. was issued License No. 0001-234960 to practice professional nursing in Virginia on December 19, 2011. The license is scheduled to expire on September 30, 2015. Her primary state of residence is Virginia.

2. By letter dated July 30, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. McNulty notifying her that an informal conference would be held on September 4, 2014. The Notice was sent by certified and first class mail to 2525 Alfalfa Lane, North Chesterfield, Virginia 23237, the address of record on file with the Board of Nursing. Neither the Notice sent by certified mail nor the Notice sent by first class mail was returned to the Board office. The certified mail

receipt had not been returned to the Board office at the time of the informal conference. The Agency Subordinate found that adequate notice was provided to Ms. McNulty and the informal conference proceeded in her absence.

3. By Order entered September 23, 2011, the Board approved Ms. McNulty's application for licensure to practice professional nursing in Virginia contingent on her entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP"). This Order was based on findings that Ms. McNulty had reported a history of depression and alcohol abuse.

4. Previously, in May 2010, when she was licensed in the State of North Carolina, the Board had indefinitely suspended Ms. McNulty's multistate licensure privilege to practice professional nursing in Virginia based on findings that she had obtained the telephone number of a former patient and contacted the patient at home for purposes unrelated to her position at a hospital.

5. Ms. McNulty entered into a Participation Contract with the HPMP on September 7, 2011, and a Recovery Monitoring Contract on October 10, 2011.

6. Ms. McNulty resigned from the HPMP by letter received on September 26, 2013. Her resignation was accepted on October 9, 2013. Her reason for resigning was that she had financial difficulties and that she had accepted employment outside the healthcare field that required her to travel out of state for several weeks at a time. She stated that she found it too difficult to comply with her Recovery Monitoring Contract.

7. At the time of her resignation from the HPMP, Ms. McNulty was in compliance with her Recovery Monitoring Contract. Her discharge diagnoses included alcohol dependence - full remission, and mood disorder NOS.

**CONCLUSIONS OF LAW**

Finding of Fact No. 6 constitutes a violation of Term Nos. 1 and 3 of the Board's Order entered September 23, 2011.

**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-234960 of Patricia McNulty, R.N. is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. McNulty shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. McNulty shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon proof of Ms. McNulty's re-entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
  - a. Ms. McNulty 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. McNulty, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
    - i. She is not in compliance with the terms and conditions specified by the

HPMP;

- ii. her participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against her

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

6. Upon receipt of evidence of Ms. McNulty's participation and successful completion of the HPMP, the Board, at its discretion, may waive her appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. McNulty's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. McNulty shall 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. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.


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

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Since Ms. McNulty failed to appear at the informal conference, this Order shall be considered final. Ms. McNulty has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. McNulty has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred

first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

  
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for Jay P. Douglas, (M.S.M., R.N., C.S.A.C., F.R.E.)  
Executive Director  
Virginia Board of Nursing

Entered: December 4, 2014

**Certified True Copy**

By   
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**Virginia Board of Nursing**