

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CRYSTAL DONAVANT, L.P.N.
License No.: 0002-085079

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 August 20, 2014, in Henrico County, Virginia. Crystal Donavan, L.P.N., was not present nor was she represented by legal counsel. Jodi P. Power, R.N., J.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. Donavant 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. Crystal Donavant, L.P.N., was issued License No. 0002-085079 to practice practical nursing in Virginia on July 5, 2011. The license expired on November 30, 2013. Ms. Donavant's primary state of residence is Virginia.
2. By letter dated July 28, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Donavant notifying her that an informal conference would be held on August 20, 2014. The Notice was sent by certified and first class mail to 1392 Big Bethel Road, Hampton, Virginia, 23666, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail

was signed by Ms. Donavant and returned to the Board office on July 30, 2014. The Notice sent via first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Donavant and the informal conference proceeded in her absence.

3. An informal conference regarding Ms. Donavant was conducted before an Agency Subordinate of the Board on October 16, 2013. Ms. Donavant was not present and was not represented by counsel. Following the informal conference, the Agency Subordinate submitted a recommended decision to the Board.

4. On November 19, 2013, the Board accepted the recommendation of the Agency Subordinate, and on December 9, 2013, the Board entered an Order taking no action against Ms. Donavant contingent upon her continued compliance with the HPMP, which she had entered in November 2012. The Order concluded that Ms. Donavant was unable to safely practice nursing due to substance abuse. The Board also found that Ms. Donavant had worked at Riverside Behavioral Health Center while under the influence of heroin and had a history of substance abuse.

5. On November 18, 2013, Ms. Donavant was dismissed from the Health Practitioners' Monitoring Program ("HPMP") for noncompliance, including failure to comply with toxicology screening program. At the time the Board considered the Agency Subordinate's recommendation on November 19, 2013, it was unaware that Ms. Donavant had been dismissed from HPMP.

6. Ms. Donavant's diagnoses at the time of her HPMP dismissal included opiate dependence in early remission, alcohol abuse, and depressive disorder NOS. Additional investigative information revealed that she received a prescription for hydromorphone (Schedule II) on November 13, 2013.

7. By letter dated December 10, 2013, Riverside Behavioral Health Center terminated Ms. Donavant's employment after being notified that she had been dismissed from HPMP. Riverside stated in the letter that her "noncompliance with the commitment to [HPMP] has created a lack of confidence in

[her] ability to safely provide patient care and effectively work as a LPN.”

8. Ms. Donavant did not respond to the Department of Health Professions’ investigator’s attempts to contact her.

CONCLUSION OF LAW

Findings of Fact No. 5 and 6 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Crystal Donavant, L.P.N., is hereby REPRIMANDED.
2. The right of Crystal Donavant to renew License No. 0002-059109 is INDEFINITELY SUSPENDED for a period of not less than two years.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Donavant 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 practical nursing. Ms. Donavant 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.
5. This suspension applies to any multistate privilege to practice practical nursing.

Since Ms. Donavant failed to appear at the informal conference, this Order shall be considered final. Ms. Donavant 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. Donavant 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, R.N., M.S.M., C.S.A.C., 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

Gloria Mitchell
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

Entered: December 3, 2014

Certified True Copy

By Y. Robinson-Horras
Virginia Board of Nursing