

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

CHRISTINA A. LOVERN, R.N.

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 December 10, 2010, in Henrico County, Virginia. Christina A. Lovern, R.N., was not present nor was she represented by legal counsel. Janet B. Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On February 7, 2011, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Lovern 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. Christina A. Lovern, R.N., was issued License No. 0001-213964 to practice professional nursing in Virginia on July 11, 2008. On June 29, 2009, Ms. Lovern was issued a license that was valid in Virginia only, due to her being enrolled in the Health Practitioners' Monitoring Program ("HPMP"). Said license expired on August 31, 2010. Her primary state of residence is Virginia.

2. By letter dated November 5, 2010, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Lovern notifying her that an informal conference would be held on December 10, 2010. The Notice was sent by certified and first class mail to 3354 Glade Creek Blvd.,

Apt. 7, Roanoke, Virginia 24012, the address of record on file with the Board of Nursing. The certified and first class mail were returned marked, "moved, left no address; unable to forward." The Agency Subordinate concluded that adequate notice was provided to Ms. Lovern and the informal conference proceeded in her absence.

3. On January 15, 2009, Ms. Lovern entered into a Participation Contract, and on May 27, 2009, she entered into a Recovery Monitoring Contract with the HPMP, in which she acknowledged that her substance use disorder and mental illness may impact her ability to practice safely. On June 19, 2009, Ms. Lovern received a stay of disciplinary action regarding the incidents of diversion referenced below. On June 18, 2010, the stay was vacated and Ms. Lovern was dismissed from the HPMP for noncompliance. Specifically, Ms. Lovern failed to complete treatment as recommended; report discontinuation of treatment; continue urine toxicology screening; report prescriptions for controlled substances; and submit monthly reports for January and February, 2010.

4. During the course of her employment with Lewis Gale Medical Center, Salem, Virginia, by her own admission, from December 1, 2008, to January 9, 2009, Ms. Lovern diverted morphine (Schedule II) for her personal and unauthorized use. Ms. Lovern accomplished the diversion by signing out larger quantities of medication than was ordered, documenting the excess as wasted and keeping the excess medication for herself. Ms. Lovern's employment was terminated on January 9, 2009.

5. On February 20, 2009, Ms. Lovern was indicted on three counts of obtaining drugs by fraud, as a result of the above-referenced diversion. On May 7, 2009, in the Circuit Court for the City of Salem, Virginia, the court found sufficient evidence for a finding of guilt beyond a reasonable doubt. The matter was taken under advisement and Ms. Lovern was placed on probation with terms and conditions to include compliance with the treatment program at New River Valley Community Services and payment of \$ 2,446.00 in court costs. She is scheduled to return to court on September 16, 2011.

6. Ms. Lovern did not participate in the Department of Health Professions ("DHP") investigation despite numerous attempts by the DHP Investigator to contact her.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

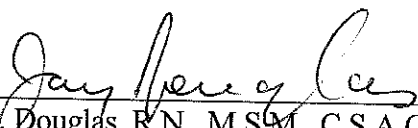
1. The right of Christina A. Lovern, R.N., to renew License No. 0001-213964 is INDEFINITELY SUSPENDED for a period of not less than two years.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Lovern shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Lovern 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.

Since Ms. Lovern failed to appear at the informal conference, this Order shall be considered final. Ms. Lovern 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. Lovern 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.

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.

FOR THE BOARD



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

Entered: March 1, 2011