

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: SALLY PHILLIPS, R.N.
License No.: 0001-230175**

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 February 13, 2013, in Henrico County, Virginia. Sally Phillips, R.N., was not present and was not represented by legal counsel. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Phillips 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. Sally Phillips, R.N., was issued License No. 0001-230175 to practice professional nursing in Virginia on April 28, 2011. The license is scheduled to expire on August 31, 2014. Ms. Phillips previously held licenses to practice professional nursing in North Carolina and West Virginia, which are expired. Virginia is her primary state of residence.

2. By letter dated July 26, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Phillips notifying her that an informal conference would be held on September 19, 2012. The Notice was sent by certified and first class mail to 3339 Circlebrook Drive, Apt. 1 A, Roanoke, VA 24018, the address of record on file with the Board of Nursing. An informal conference was

convened on September 19, 2012, at which Ms. Phillips appeared. By letter dated September 28, 2012, the Board notified Ms. Phillips that the Agency Subordinate was deferring her recommendation until receipt of Ms. Phillips' neuropsychological evaluation. By letter dated January 14, 2013, the Board of Nursing sent an Amended Notice of Informal Conference ("Notice") to Ms. Phillips notifying her that an informal conference would be held on February 13, 2013. The Notice was sent by certified and first class mail to 3339 Circlebrook Drive, Apt. 1 A, Roanoke, VA 24018, the address of record on file with the Board of Nursing. The certified mail was signed and returned to the Board's office. The first class mail was not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Phillips and the informal conference proceeded in her absence.

3. During the course of her orientation on the Palliative Care Unit at Carilion Roanoke Memorial Hospital, Roanoke, Virginia, between December 2011 and January 2012, Ms. Phillips committed numerous errors, had difficulty performing routine tasks, had to be prompted to perform tasks correctly, failed to properly document in patients' charts, and failed to complete tasks in a timely manner. Specifically:

- a. On several occasions, Ms. Phillips failed to scan patients before administering medications to them and/or failed to scan medications before administering them to Patients A - E.
- b. On January 11, 2012, Ms. Phillips drew up 5mg of Haldol to administer the ordered 2mg to Patient F.
- c. On January 25, 2012, Ms. Phillips started to change Patient G's wound dressing before completing changing his incontinence pad.
- d. On January 28, 2012, Ms. Phillips failed to perform pain assessments on Patient H after giving her pain medications.
- e. On January 29, 2012, Ms. Phillips had difficulty reading and changing the rates

for Patient I's PCA pump.

f. On January 29, 2012, Ms. Phillips documented that Patient J was oriented to place when the patient was actually unresponsive.

g. On several occasions, Ms. Phillips' preceptors had to prompt her to not touch medications with bare hands, to check residuals before administering medications via PEG tube, and to check a patient's blood sugar result before administering insulin.

4. On May 11, 2012, Ms. Phillips self-reported a decline in cognitive function, including confusion and memory loss, to a Department of Health Professions investigator.

5. On November 29, 2012, the Board received Ms. Phillips' neurological evaluation, which was conducted at Carilion Clinic between May and August 2012. The evaluation stated Ms. Phillips is diagnosed with cognitive disorder, not otherwise specified, and adjustment disorder, not otherwise specified, and that she could work as a nurse depending on the setting, demands and responsibilities for the particular job.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(5) of the Code of Virginia (1950), as amended ("Code").

2. Finding of Fact No. 4 and 5 constitutes a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that Sally Phillips, R.N., be placed on INDEFINITE PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue Indefinitely. After five years of active employment as a professional nurse, Ms. Phillips may request that the Board end this probation.

2. Ms. Phillips shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, she shall provide the name and address of each employer to the Board.
3. Ms. Phillips shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Phillips is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
4. Performance Evaluations shall be provided, at the direction of Ms. Phillips, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.
5. Ms. Phillips shall practice nursing only in an administrative or advisory position with patients. She may not treat patients or administer medications. She may only practice nursing in a structured and supervised employment setting satisfactory to the Board. This employment setting shall provide on-site supervision by a physician or professional nurse, who works the same shift, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Phillips shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.
6. Ms. Phillips shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

7. Ms. Phillips shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

8. The Board shall issue a license marked “Valid in Virginia Only; Probation with Terms” or a certificate marked “Probation with Terms.”

9. Ms. Phillips shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

10. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Phillips and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

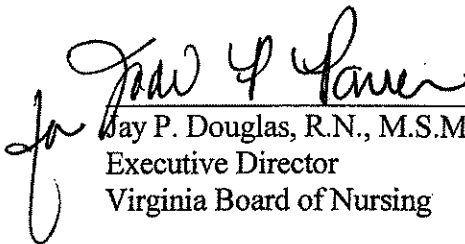
11. This Order is applicable to Ms. Phillips’ multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Phillips shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the 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.

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



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

Entered: June 7, 2013

Certified True Copy

By 

Virginia Board of Nursing