

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**BARBARA ANNETTE POWELL, R.N.**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Barbara Annette Powell, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Powell's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Barbara Annette Powell, R.N., was issued License No. 0001-102515 to practice professional nursing by the Virginia Board of Nursing on August 15, 1986. Said license is set to expire on September 30, 2010. Ms. Powell was issued License No. 0002-031906 to practice practical nursing by the Virginia Board of Nursing on November 18, 1982. Said license expired on September 30, 1986.

2. During the course of Ms. Powell's employment with Community Memorial Healthcenter, South Hill, Virginia:

a. From May 2008, until November 2008, Ms. Powell diverted Dilaudid (hydromorphone, schedule II), Demerol (meperidine, schedule II) and morphine (schedule II) for her own personal and unauthorized use, and used the medications while on duty. Ms. Powell accomplished this diversion by signing out the medications from the MedSelect machine for patients who did not request them, and falsely documenting that she administered the medication.

b. On November 9 and 10, 2008, Ms. Powell documented administering Xanax (alprazolam, schedule IV) to Patient A; however, the patient indicated that she did not receive the medication.

2. Ms. Powell is unable to safely practice as a professional nurse due to alcohol and/or

substance abuse and/or physical illness and/or mental illness, as she acknowledged in signing a Recovery Monitoring Contract with the Virginia Health Practitioners' Intervention Program ("HPIP"), dated February 9, 2009.

4. Ms. Powell is currently compliant with her Recovery Monitoring Contract.

5. Ms. Powell submitted a letter from Family Counseling Center for Recovery, Richmond, Virginia, dated June 4, 2009, stating that Ms. Powell was active and compliant with the Intensive Outpatient Program.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 2 (a-b) constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

#### **CONSENT**

Barbara Annette Powell, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;

2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;

4. She waives all such right to an informal conference;

5. She neither admits nor denies the Findings of Fact contained herein but waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

**ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

2. License No. 0001-102515 of Barbara Annette Powell, R.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Powell 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. Powell 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. Powell's continued compliance with the Recovery Monitoring Contract with the HPIP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
  - a. Ms. Powell shall comply with all terms and conditions for the period specified by the HPIP.
  - 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 Barbara Annette Powell, R.N., 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:

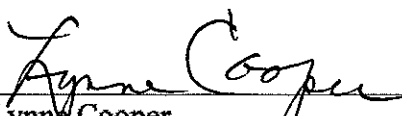
- i. Ms. Powell is not in compliance with the terms and conditions specified by the HPIP;
- ii. Ms. Powell's participation in the HPIP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Powell involving a violation of law, regulation, or any term or condition of this order.

6. This Order is applicable to Ms. Powell's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Powell 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.

7. Ms. Powell 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 §§ 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 upon request.

FOR THE BOARD

  
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Lynne Cooper  
President, Virginia Board of Nursing

ENTERED: July 22<sup>nd</sup>, 2009

SEEN AND AGREED TO:

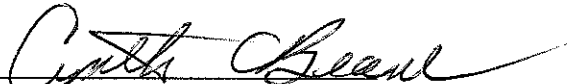
  
Barbara Annette Powell, R.N.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Mecklenburg TO WIT:

Subscribed and sworn to before me, \_\_\_\_\_, a Notary Public, this 16<sup>th</sup> day of June, 2009.

My commission expires 5/31/10.

Registration Number 155082.

  
NOTARY PUBLIC