

was sent by overnight mail to 8072 Stonewall Brigade Court, #102, Manassas, Virginia 20109 and was delivered on January 26, 2010. The Agency Subordinate concluded that adequate notice was provided to Ms. Heaton and the informal conference proceeded in her absence.

3. During the course of her employment with Prince William Hospital, Manassas, Virginia, Ms. Heaton diverted Dilaudid (hydromorphone, Schedule II) for her personal and unauthorized use. She accomplished the diversion by administering partial doses to patients and keeping the remaining medication for herself; by writing orders, cancelling them and keeping the medication for herself; and by keeping medication that should have been wasted. Ms. Heaton's employment was terminated on August 7, 2009, and she self-reported the diversion to the Board.

4. Ms. Heaton is unable to safely practice nursing without monitoring due to substance abuse, as she acknowledged in signing a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on August 11, 2009. Further, during an interview with an investigator from the Department of Health Professions on August 7, 2009, Ms. Heaton reported entering an outpatient substance abuse treatment program. The HPMP case manager submitted a report dated February 12, 2010, which stated that Ms. Heaton signed a Recovery Monitoring Contract on September 14, 2009, and that she is in compliance with the contract; however, Ms. Heaton has not been approved to return to practice.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the 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. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-216694 of Brooke L. Heaton, R.N., is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Heaton 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. Heaton 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 the following terms and conditions:

a. Ms. Heaton 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 Brooke L. Heaton, 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. Heaton is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Heaton's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms.

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

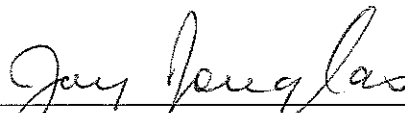
6. This Order is applicable to Ms. Heaton's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Heaton shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without 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. Heaton 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.

Since Ms. Heaton failed to appear at the informal conference, this Order shall be considered final. Ms. Heaton 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. Heaton 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: May 27th, 2010