

Lic# 0002681407

VIRGINIA

BEFORE THE BOARD OF NURSING

IN RE: PENNY A. CLARK, L.P.N. APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended, ("Code"), an informal conference was held before an Informal Conference Committee of the Board of Nursing ("Committee") on August 4, 2009, in Henrico County, Virginia, to receive and act upon the application of Penny A. Clark for licensure by endorsement as a practical nurse in the Commonwealth of Virginia and to inquire into evidence that she may have violated certain laws and regulations governing practical nursing practice in Virginia. Ms. Clark was present and was not represented by legal counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. By application received March 30, 2009, Penny A. Clark applied for licensure by endorsement as a practical nurse in the Commonwealth of Virginia.
2. By Ms. Clark's own admission, while employed with Favorite Healthcare Staffing, Inc., Virginia Beach, Virginia, between January 2008, and August 5, 2008, during her assignments at Maryview Medical Center ("Maryview"), Portsmouth, Virginia, and DePaul Medical Center ("DePaul"), Norfolk, Virginia, Ms. Clark diverted narcotic medications including Vicodin (hydrocodone, Schedule III), Percocet (oxycodone, Schedule II), Dilaudid (hydromorphone, Schedule II), and morphine (Schedule II).
3. Ms. Clark was unable to practice practical nursing due to a lengthy history of drug and alcohol abuse, as she acknowledged on or about September 4, 2008, in an interview with an investigator

with the Department of Health Professions, and in signing a contract with the North Carolina Board of Nursing Alternative Program for Chemical Dependency on or about October 10, 2008.

4. Ms. Clark reported that her date of sobriety is August 8, 2008.

5. Ms. Clark stated that she attends Alcoholics Anonymous and Narcotics Anonymous three times a week and she has a sponsor. Ms. Clark reported that she is working the Steps and is currently on Step 4.

6. Ms. Clark reports that her support system includes her husband, sponsor and friends. Ms. Clark stated that neither her husband nor his family drink alcohol.

7. Ms. Clark stated that prior to this incident, she has never had a year of sobriety, although she reported to the Virginia Department of Motor Vehicles, in an effort to have her driving privileges reinstated, that she was sober.

8. Ms. Clark stated that her drugs of choice, during different periods of her life, were cocaine, alcohol, and most recently narcotics.

9. Ms. Clark stated that she has developed coping skills to deal with life's stressors.

#### **CONCLUSIONS OF LAW**

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

3. The Board concludes that Ms. Clark otherwise meets the requirements of § 54.1-3021 of the Code.

## ORDER

On the basis of the foregoing, the Virginia Board of Nursing hereby ORDERS that the application of Penny A. Clark for licensure by endorsement as a practical nurse is hereby APPROVED, subject to the following conditions:

1. Ms. Clark shall enter into the Health Practitioners' Monitoring Program ("HPMP"), pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and shall have proof of entry into the HPMP provided to the Board.

2. Ms. Clark shall continue to comply with all terms and conditions of the HPMP for the period specified.

3. Ms. Clark shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Clark is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Clark involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Clark has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Clark's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Clark's appearance before the Board and conduct an administrative review of this matter.

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

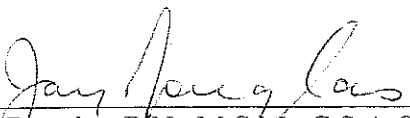
Ms. Clark wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

5. Once licensed, Ms. Clark shall maintain a course of conduct in her capacity as a practical 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 on request.

If Ms. Clark does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, in writing at the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia 23233, within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing as provided in §§ 2.2-4020 and 2.2-4021 of the Code.

FOR THE BOARD

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

Entered: September 30<sup>th</sup>, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this date to Penny A. Clark, at 505 Saber Drive, Chesapeake, Virginia 23322.

Jay Douglas

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

September 30<sup>th</sup>, 2009  
DATE