

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           JESSICA MARIE MARTIN, R.N.**  
**License Number: 0001-244888**  
**Case Number:       172664**

**RATIFICATION AND ORDER**

On November 16, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Jessica Marie Martin, R.N., was not present nor was she represented by legal counsel.

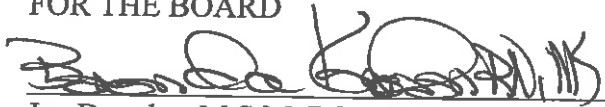
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, 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.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Martin's health records or health services.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Martin may, not later than 5:00 p.m., on **December 26, 2016**, notify Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD

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

ENTERED AND MAILED ON:

November 23, 2014

This Order shall become final on December 26, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
\_\_\_\_\_  
Virginia Board Of Nursing

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on September 13, 2016 in Henrico County, Virginia, to inquire into evidence that Jessica Marie Martin, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Martin appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Notice**

By letter dated August 4, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Martin notifying her that an informal conference would be held on September 13, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

**Recommended Findings of Fact and Conclusions of Law**

1.     Jessica Marie Martin, R.N., was issued License Number 0001-244888 to practice professional nursing on June 18, 2013, which is scheduled to expire on June 30, 2018. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. Pursuant to an Order of the Board entered November 6, 2014 (“Board’s Order”), the Board took no action against Ms. Martin’s license contingent upon her compliance with certain terms and conditions for two years. The Order was based on findings that Ms. Martin failed to disclose a criminal conviction on her application for licensure as a professional nurse and that she had a history of substance abuse. The Board noted that Ms. Martin was receiving treatment for her substance abuse.

3. Ms. Martin violated Term Numbers 1(a) and 4 of the Board’s Order, which required her to submit self-reports beginning 60 days after the date of the entry of the Board’s Order and then quarterly on the last days of March, June, September and December, and to remain in compliance with the terms of the Board’s Order, in that the self-reports due January 5, March 31, and June 30, 2015, were received late. Further, the self-reports due by September 30, 2015, December 31, 2015, and March 31, 2016, have not been received.

4. Ms. Martin violated Term Numbers 1(b) and 4 of the Board's Order, which required her to submit reports from any physician from whom she receives substance abuse treatment, including updates on her treatment progress and results of any urine drug screens. The reports were due beginning 60 days after the date of the entry of the Board’s Order and then quarterly on the last days of March, June, September and December. Ms. Martin failed to have the reports due January 5 and December 31, 2015, submitted to the Board. The reports due March 31 and June 30, 2015, were both received early. The March report did not include a drug screen. On May 31, 2016, the Board received a physician’s progress report signed May 1, 2016, and two drug screens dated March 6 and April 1, 2016.

5. At the informal conference, Ms. Martin stated that she is in the BSN program at Bluefield College with plans to finish in May 2017. She attributed her non-compliance to her past

schedule overload in that she was taking two nursing courses a semester, working full time, caring for her children, and attending 12-Step meetings:

6. Ms. Martin stated that she has since recognized that her schedule was too full, and has scaled back to one nursing class a semester. She has also instituted a plan of reminders to help her remain in compliance with her probation going forward, and she stated that she would meet with the Compliance Case Manager to go over the terms of probation.

7. Ms. Martin stated that she attends AA and NA meetings two times a week in addition to Caduceus meetings once a month. Ms. Martin has had a sponsor since 2014. She continues on Suboxone daily as prescribed by her provider. Ms. Martin stated that she has a good support system including her family.

8. Ms. Martin submitted three letters of reference from her employer, including one from the Chief Nursing Officer, as well as positive progress reports. Ms. Martin has been employed with Lewis Gale Hospital, Blacksburg, Virginia since 2009 and her employer is very supportive.

#### **Recommended Order**

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Jessica Marie Martin, R.N., is REPRIMANDED.
2. The license of Ms. Martin will be CONTINUED ON PROBATION for not less than one year, with the following terms and conditions, as previously set forth in the Board's Order entered November 6, 2014:
  - a. Ms. Martin shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Martin has current

practice employment or not. Written reports must be received quarterly by the last day of the months of March, June, September and December for one year from the date this Order is entered.

b. Ms. Martin shall submit quarterly reports from any physician from whom she receives substance abuse treatment, to include updates on her treatment progress and the results of any urine drug screens. Ms. Martin shall comply with any recommendations of the specialist. Written progress reports by the treatment provider shall be sent to the Board until Ms. Martin is discharged from therapy. Ms. Martin shall direct the treatment provider to notify the Board if she withdraws from the treatment program before being officially discharged by the treatment provider. The Board shall be notified immediately in writing if Ms. Martin refuses to give a specimen for analysis as required by this Order, or of any positive results. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

3. This Order shall be applicable to Ms. Martin's multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Ms. Martin shall not work outside 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. Martin wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

4. The license shall be reinstated without restriction at the completion of the probationary period unless there is a pending investigation or unresolved allegation involving a violation of law or regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely until such time as the Board makes a case decision in accordance with the Administrative Process Act (Virginia Code § 2.2-4000 *et seq.*) and Virginia Code § 54.1-2400(9).

5. Ms. Martin shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

6. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

7. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Ms. Martin, and an administrative proceeding shall be held to determine whether to impose such action.

8. This Order shall remain in effect until the Board has notified Ms. Martin in writing that she is released from probation.

Reviewed and approved on October 25, 2016  
By Jane Elliott, R.N., Ph.D.  
Agency Subordinate