

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: AMBER R. HENDRICKS, R.N.
 License No.: 0001-198247**

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 August 13, 2014, in Henrico County, Virginia. Amber R. Hendricks, R.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Hendricks 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. Amber R. Hendricks, R.N., was issued License No. 0001-198247 to practice professional nursing in Virginia on September 15, 2005. The license expired on March 31, 2014. Her primary state of residence is Virginia. By Order of the Board entered December 18, 2012, Ms. Hendricks was placed on indefinite probation for not less than two years of actual nursing employment, due to an admitted longstanding addiction to narcotic pain medications.

2. By letter dated July 17, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Hendricks notifying her that an informal conference would be held on August 13, 2014. The Notice was sent by certified and first class mail to 264 Sherwood Drive, Waynesboro, Virginia,

22980, the address of record on file with the Board of Nursing.

3. During the course of her employment at Envoy of Staunton, Virginia, by her own admission, on December 17, 2013, Ms. Hendricks diverted 50ml of oxycodone (Schedule II) from a bottle prescribed to a resident and replaced it with an over-the-counter cough syrup, with the intent to sell the medication.

4. The oxycodone had been discontinued and there was no harm to the resident. Ms. Hendricks' employment was terminated on December 23, 2013.

5. On May 16, 2014, in the General District Court of Staunton, Virginia, Ms. Hendricks was convicted of petty larceny, as a result of the theft from Envoy of Staunton. She was sentenced to ten days in jail, suspended, placed on probation for twelve months, and ordered to pay fines and court costs totaling \$136.00.

6. Ms. Hendricks failed to notify the Board of her termination from Envoy of Staunton.

7. Ms. Hendricks failed to submit the quarterly performance evaluation due December 31, 2013.

8. Ms. Hendricks failed to submit written reports from the prescribing practitioner for hydrocodone and methadone prescriptions.

9. Ms. Hendricks failed to submit random drug screen reports due September 30, 2013, and December 31, 2013. Further, on March 17, 2014, Ms. Hendricks reported to the Compliance Case Manager that she stopped going to Addiction Recovery Systems and that her last drug screen was in January 2014.

10. Ms. Hendricks failed to submit support group meeting attendance reports that were due February 16, 2013 and December 31, 2013, and she failed to attend a support group meeting the week of March 17, 2013. Further, on November 13, 2013, an individual reported that Ms. Hendricks was not

attending support group meetings and had been forging his name on the attendance logs.

11. Ms. Hendricks failed to provide a copy of the Board Order to her dentist.

12. Ms. Hendricks failed to submit the quarterly self-report due December 31, 2013.

13. Ms. Hendricks reported that she has a criminal charge pending in Staunton Circuit Court for prescription fraud. Ms. Hendricks also reported that she has an additional criminal charge pending in Augusta County Circuit Court for manufacturing a controlled substance. Both charges are a result of the theft and adulteration of oxycodone from Envoy of Staunton. Ms. Hendricks stated that her public defender in Staunton is advocating for her to enter drug court.

14. Ms. Hendricks reported that she is not on any drugs. Ms. Hendricks reported that she stopped using methadone on March 5, 2014; due to the pending criminal charges, she could not receive methadone from the clinic to take at home. She is currently employed at a local restaurant. Ms. Hendricks stated at the Informal Conference, that she does not trust herself to continue nursing.

CONCLUSIONS OF LAW

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

3. Finding of Fact No. 6 constitutes a violation of Term No. 2 of the Order of the Board entered December 18, 2012 ("Board Order").

4. Finding of Fact No. 7 constitutes a violation of Term No. 4 of the Board Order.

5. Finding of Fact No. 8 constitutes a violation of Term No. 7 of the Board Order.

6. Finding of Fact No. 9 constitutes a violation of Term No. 8 of the Board Order.

7. Finding of Fact No. 10 constitutes a violation of Term No. 9 of the Board Order.

8. Finding of Fact No. 11 constitutes a violation of Term No. 10 of the Board Order.

9. Finding of Fact No. 12 constitutes a violation of Term No. 11 of the Board Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Amber R. Hendricks, R.N., is hereby REPRIMANDED.
2. The right of Amber R. Hendricks, R.N., to renew License No. 0001-198247 is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Hendricks 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. Hendricks 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.
5. This suspension applies to any multistate privilege to practice professional nursing.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Hendricks may, not later than 5:00 p.m., on November 8, 2014, notify Jay P. 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:

for *Gloria Pritchard*
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: *October 6, 2014*

This Order shall become final on November 8, 2014, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *[Signature]*
Virginia Board of Nursing