

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MARY CUMMINGS (AKA MARY PHILLIPS)
 License No.: 0001-081858**

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 February 27, 2007, in Henrico County, Virginia. Ms. Cummings was present and was not represented by counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

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. Mary Cummings was issued license number 0001-081858 to practice nursing in Virginia on September 1, 1981, under the name Mary Phillips. The license expired on March 31, 1996. Ms. Cummings submitted an application for reinstatement of the license on September 5, 2006.
2. By letter dated January 26, 2007, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Cummings notifying her that an informal conference would be held on February 27, 2007. The Notice was sent by certified and first class mail to 441 Maryland Avenue, Harrisonburg, Virginia 22801, the address of record on file with the Board of Nursing.
3. Ms. Cummings stated that her primary state of residence is Virginia.
4. Ms. Cummings has a longstanding addiction to opiates, which she admitted to an investigator for the Department of Health Professions in an interview on November 7, 2006.
5. On January 12, 2007, the Board of Nurse Examiners for the State of Texas issued an Agreed Order which required Ms. Cummings to participate in and successfully complete the Texas Peer Assistance Program for Nurses or an Alternate Program in the State of Virginia.

6. Ms. Cummings moved back to Virginia in mid-August, 2006. She reported a sobriety date of August 20, 2006.

7. Ms. Cummings entered into a Recovery Monitoring Contract with the Health Practitioners Intervention Program ("HPIP") on January 25, 2007. Jennifer Sears-Cockram, HPIP case manager, reported that Ms. Cummings is in compliance with her contract. The contract allows Ms. Cummings to work in a non-nursing capacity and have a work site monitor.

8. Ms. Cummings reported that she participates in programs through the Harrisonburg/Rockingham Community Services Board ("CSB"). She attends Narcotics Anonymous meetings daily and is seen by a CSB counselor, Sandra Downey, weekly. Ms. Downey provided a positive written reference for Ms. Cummings.

9. Mr. David Keck, employer, and Mr. "C," a fellow NA participant, accompanied Ms. Cummings to the informal conference. Both spoke of her determination to maintain her sobriety.

10. Ms. Cummings provided evidence that she had completed 27 continuing education credits.

11. Ms. Cummings verbalized an understanding of her addiction and the need to continue treatment.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Ms. Cummings otherwise meets the requirements of § 54.1-3011 of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that the license of Mary Cummings be, and hereby is, REINSTATED, subject to the following terms and conditions:

1. Ms. Cummings shall continue to comply with all terms and conditions of the Recovery Monitoring Contract with the HPIP for the period specified in the Contract.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the

license of Ms. Cummings, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Cummings shall be noticed to appear before the Board at such time as the Board is notified that:

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

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

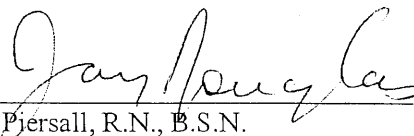
3. Ms. Cummings' license shall be a single state license marked "Valid in Virginia Only."

4. Ms. Cummings 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.

This Order is subject to appeal to the Board. If Ms. Cummings desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, Virginia 23230, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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

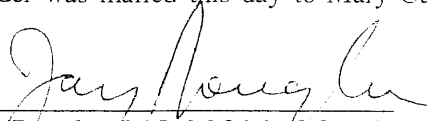

Judith Piersall, R.N., B.S.N.
President
Virginia Board of Nursing

Entered: March 5th, 2007

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Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Mary Cummings, 441 Maryland Avenue, Harrisonburg, Virginia 22801



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



DATE