

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

TRACI WHEATLEY, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Traci Wheatly, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Wheatley's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Traci Wheatley, R.N., was issued License No. 0001-169439 to practice professional nursing by the Virginia Board of Nursing on July 21, 2000. Said license is set to expire on May 31, 2011. Her primary state of residence is Virginia.
2. During the course of her employment with CJW Medical Center, Johnston Willis Campus, Richmond, Virginia, between December 2008 and April 2009, Ms. Wheatley diverted medications including Fioricet (butalbital, Schedule VI) and Ultram (tramadol, Schedule VI) from hospital supplies for her personal and unauthorized use.
3. Ms. Wheatley was placed on leave of absence but has since returned to work at CJW and remains employed there in good standing.
4. Ms. Wheatley entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP;" *formerly, the Health Practitioners' Intervention Program*) in April, 2009, and her first Recovery Monitoring Contract with the HPMP in June 2009. She entered into her latest Recovery Monitoring Contract in July, 2010. In her contracts with the HPMP, Ms. Wheatley acknowledged a substance use disorder which may impair her ability to practice her profession safely.

5. The HPMP Committee granted Ms. Wheatley a stay of disciplinary action on October 13, 2009, with the expectation that she would continue to comply with all terms and conditions of the HPMP.

5. The stay of disciplinary action was rescinded on August 6, 2010, pursuant to a report that Ms. Wheatley was not in compliance with the HPMP. Specifically, she had a urine toxicology screen that was positive for alcohol in June, 2010, and she also admitted to the use of a sleep aid that was not approved by the program. In September, 2010, Ms. Wheatley was placed on pre-dismissal status with HPMP for missing a drug screening.

6. Ms. Wheatley complied with all requirements of the HPMP after being placed on pre-dismissal status and is currently in compliance with the program.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) 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.

3. Ms. Wheatley is properly enrolled in the HPMP.

CONSENT

Traci Wheatley, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;

2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;

4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

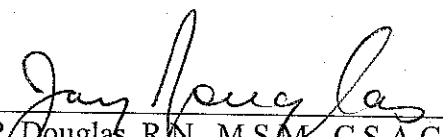
1. The Board shall TAKE NO ACTION at this time contingent on Ms. Wheatley's continued compliance with all terms and conditions of the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Wheatley, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Wheatley 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 HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
 - c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Wheatley's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

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

4. Ms. Wheatley 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.

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 upon request.

FOR THE BOARD


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

ENTERED: February 1, 2011

SEEN AND AGREED TO:

Traci Wheatley RN
Traci Wheatley, R.N.

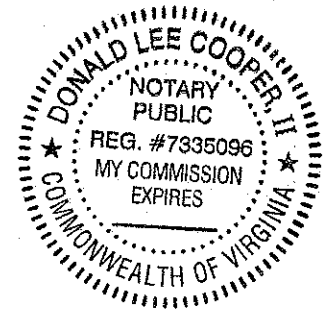
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Powhatan, TO WIT:

Subscribed and sworn to before me, Donald L. Cooper II, a Notary Public, this 24th day of January, 2011.

My commission expires 9.30.14.

Registration Number 7335096.

Donald L. Cooper II
NOTARY PUBLIC



Certified True Copy

By Vamara Farmer
Virginia Board of Nursing