

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ASHLEY ROBERTSON, R.N.
License No.: 0001-241408

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 April 22, 2014, in Henrico County, Virginia. Ashley Robertson, R.N., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Robertson 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. Ashley Robertson, R.N., was issued License No. 0001-241408 to practice professional nursing in Virginia on November 1, 2012. The license is scheduled to expire on October 31, 2015. Ms. Robertson was issued License No. 188863 to practice professional nursing by the Colorado Board of Nursing on November 25, 2008. Said license expired on September 30, 2012. Ms. Robertson's primary state of residence is Virginia.

2. By letter dated March 31, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Robertson notifying her that an informal conference would be held on April 22, 2014. The Notice was sent by certified and first class mail to 215 73rd Street, Virginia Beach, Virginia

23451, the address of record on file with the Board of Nursing. According to the United States Postal Service, the Notice sent by certified mail had not been picked up by Ms. Robertson and a notice had been left. As of April 22, 2014, the Notice sent by first class mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Robertson and the informal conference proceeded in her absence.

3. Between January 2012, and May 2012, during the course of her employment with Bon Secours DePaul Medical Center, Norfolk, Virginia, by her own admission, Ms. Robertson diverted Percocet (C-II), Vicodin (C-III) and injectible Dilaudid for her unauthorized use. Ms. Robertson achieved this diversion in part by having staff witness her wasting normal saline, instead of the Dilaudid. During this period of time in 2012, Ms. Robertson was practicing professional nursing in Virginia on her multistate privilege from her Colorado license.

4. On August 30, 2012, Ms. Robertson entered into a Participation Contract with the Health Practitioners' Program ("HPMP"), and on November 28, 2012, she entered into a Recovery Monitoring Contract with the HPMP, where she acknowledged her substance abuse. In October 2012, following her entry into the HPMP, Ms. Robertson was granted a stay of disciplinary action by the Board. On October 25, 2013, Ms. Robertson was dismissed from the HPMP for non-compliance with her contract. On September 4, 2013, Ms. Robertson stopped calling the test line and submitted a letter of resignation to her case manager with the HPMP. As a result of her dismissal from the HPMP, the stay of disciplinary action was vacated.

5. On January 3, 2014, Ms. Robertson re-entered the HPMP. She was dismissed from her contract with HPMP on May 16, 2014.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (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. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-241408 of Ashley Robertson to practice professional nursing is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Robertson 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. Robertson 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.


4. 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.

Since Ms. Robertson failed to appear at the informal conference, this Order shall be considered final. Ms. Robertson has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Robertson has 30 days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are

added to that period.

FOR THE BOARD


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

Entered: 