

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: SAMANTHA ELIZABETH DAY, R.N.
License Number: 0001-254124
Case Number: 176192

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on November 17, 2016, in Henrico County, Virginia, to inquire into evidence that Samantha E. Day, R.N., may have violated terms and conditions of an Order of the Board entered June 15, 2016 and certain laws governing the practice of professional nursing in the Commonwealth of Virginia.

Samantha Elizabeth Day, R.N., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated November 2, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Day notifying her that a formal administrative hearing would be held on November 17, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Day and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On August 28, 2014, the Board issued License Number 0001-254124 to Samantha Elizabeth Day, R.N. to practice professional nursing in the Commonwealth of Virginia. On June 15, 2016, the Board indefinitely suspended Ms. Day's license, but stayed the suspension pursuant to her continued compliance with the Health Practitioners' Monitoring Program ("HPMP"). Her primary state of residence is Virginia.
2. By Order of the Board entered July 29, 2014, Ms. Day's application for licensure by endorsement to practice professional nursing in the Commonwealth of Virginia was approved, contingent upon her entry into the HPMP and compliance with the HPMP's terms and conditions. The Order was based on the Board's findings that Ms. Day had been disciplined by the Florida Board of Nursing for impairment on duty and diversion of Dilaudid (hydromorphone, C-II), and her treatment for opiate and alcohol dependence.
3. By Consent Order entered September 15, 2015, the Board indefinitely suspended Ms. Day's license, and stayed the suspension contingent upon Ms. Day's continued compliance with the HPMP. The Order was based on findings that Ms. Day had been dismissed from the HPMP, failed to comply with the HPMP toxicology screening program, failed to maintain communication with the HPMP, and was convicted of three misdemeanors involving substance abuse.
4. By Order of the Board of Nursing entered June 15, 2016, the Board indefinitely suspended Ms. Day's license, and stayed the suspension contingent upon Ms. Day's continued compliance with the HPMP. The Order was based on findings that Ms. Day failed to enter and complete treatment as recommended, failed to comply with the HPMP toxicology screening program, and failed to maintain communication with the HPMP.

5. Ms. Day re-entered the HPMP on June 8, 2016. On September 16, 2016, Ms. Day was dismissed from the HPMP due to noncompliance. Specifically, Ms. Day failed to enter and complete treatment as recommended, failed to comply with the toxicology screening program and failed to maintain communication with the HPMP.

6. On May 16, 2016, in the Circuit Court of Chesterfield County, Virginia, Ms. Day was indicted on three felony counts of possession of a Schedule I/II controlled substance and one misdemeanor count of driving while under the influence, 2nd within 10 years, for offenses that occurred on December 3, 2015. Her next scheduled court date is December 6, 2016.

7. Ms. Day failed to respond to requests for an interview by the Department of Health Professions investigator.

CONCLUSIONS OF LAW

Finding of Fact No. 5 constitutes a violation of Virginia Code § 54.1-3007(6) and Term Numbers 6 and 12 of the Board Order entered June 15, 2016.

ORDER


Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The license of Samantha Elizabeth Day, R.N., to practice professional nursing in the Commonwealth of Virginia is REVOKED.
2. The license of Samantha Elizabeth Day, R.N., will be recorded as REVOKED.
3. This revocation applies to any multistate privilege to practice professional nursing.
4. Pursuant to Virginia Code § 54.1-2408.2, should Samantha Elizabeth Day, R.N., seek reinstatement of her license after three years, the reinstatement of Ms. Day's license shall require the affirmative vote of three-fourths of the members at a formal administrative proceeding convened by

the Board. At such time, the burden shall be on Ms. Day to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Day shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

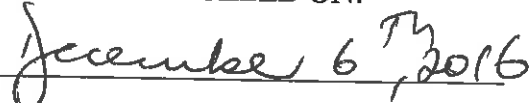
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



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

ENTERED AND MAILED ON:



December 6th, 2016

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 

Virginia Board Of Nursing