

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: SAMANTHA ELIZABETH DAY, R.N.
License Number: 0001-254124
Case Number: 171196

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 May 19, 2016, in Henrico County, Virginia, to inquire into evidence that Samantha Elizabeth Day, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

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

NOTICE

By letter dated April 29, 2016, the Board of Nursing sent a Notice of Formal Hearing (“Notice”) to Ms. Day notifying her that a formal administrative hearing would be held on May 19, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

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. Samantha E. Day, R.N. was issued License Number 0001-254124 to practice professional nursing in the Commonwealth of Virginia on August 28, 2014. On September 15, 2015, the Board indefinitely suspended Ms. Day’s nursing license, but stayed the suspension pursuant to her

continued compliance with the Health Practitioners' Monitoring Program ("HPMP"). Ms. Day's 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. On December 16, 2014, Ms. Day was dismissed from the HPMP for failing to comply with the toxicology screening program and failing to maintain communication with the HPMP.

4. Ms. Day signed a new Participation Contract with the HPMP on March 12, 2015.

5. By Order of the Board of Nursing entered September 15, 2015 ("Board's Order"), 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 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.

6. On November 20, 2015, Ms. Day was dismissed from the HPMP for failure to enter and complete treatment as recommended, non-compliance with the toxicology screening program, and failure to maintain communication with the HPMP.

7. Ms. Day has a pending charge for the misdemeanor offense of driving under the influence, and pending felony charges for three counts of possession of a controlled substance in Chesterfield County.

8. Ms. Day testified that she did not comprehend the magnitude of her decision to decide to not participate in HPMP, and the implications of that action on her nursing license. She stated that her use of drugs has ruined her life, and that she now understands that she needs to stay in treatment in order to achieve sobriety. Ms. Day told the Board that she has reached out to the Health Practitioner's Monitoring Program and wishes to reenter.

9. Ms. Day told the Board that her sobriety date is December 4, 2015.

10. Ms. Day testified that she is now fully committed to her sobriety. She told the board that she is currently attending a Richmond IOP, attends AA and NA meetings three to five times per week, and has a strong support system in her friends, family, and church.

11. Ms. Day testified that she desires to practice in an administrative, nonclinical setting, as she should not have access to controlled substances.

12. Ms. Day's father testified that he has seen her make drastic changes in the last six months.

13. Ms. Day submitted documentation that she has been successfully employed in a non-nursing position.

CONCLUSION OF LAW

1. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code and Term 5 of the Board's Order.

ORDER

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

1. The license of Samantha Elizabeth Day to practice professional nursing is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Samantha Elizabeth Day seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Samantha Elizabeth Day to demonstrate that she is safe and competent to return to the practice of professional nursing.
5. The suspension shall be STAYED upon proof of Samantha Elizabeth Day's entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").
6. Upon stay of the suspension, Samantha Elizabeth Day shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
7. Upon receipt of evidence of Samantha Elizabeth Day's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Samantha Elizabeth Day's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.
8. This Order is applicable to Samantha Elizabeth Day's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Samantha Elizabeth Day 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 seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
9. Failure to comply with the terms and conditions of the stay of suspension shall be reason for summarily rescinding the stay of suspension of the license of Samantha Elizabeth Day, and

the license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

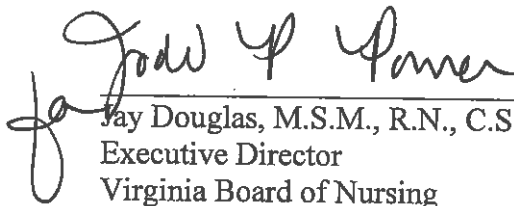
10. Samantha Elizabeth Day is REPRIMANDED.

11. Samantha Elizabeth Day shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

12. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

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:

June 15, 2016

Certified True Copy

By deraham
Virginia Board Of Nursing

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.