

JUL 23 2014

DHP

VIRGINIA:

0001-254124
BEFORE THE BOARD OF NURSING

IN RE: SAMANTHA DAY, R.N. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Samantha Day, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Day's application for licensure to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Samantha Day submitted an application for licensure by endorsement to practice professional nursing in Virginia which was received by the Board on April 30, 2014. Virginia is her declared primary state of residence.
2. Ms. Day was issued License No. RN9312005 by examination to practice professional nursing in the State of Florida on July 27, 2010. By Order entered August 12, 2013, the Florida Board of Nursing accepted Ms. Day's voluntary relinquishment of her license to practice professional nursing in Florida. In the voluntary relinquishment agreement, Ms. Day stipulated that this disposition would be construed as disciplinary action against her. At the time, Ms. Day was being investigated for possible impairment on duty and diversion of Dilaudid (hydromorphone, Schedule II) while employed with Parallon Workforce Management Center and assigned to North Florida Regional Medical Center.
3. Ms. Day received treatment for opiate and alcohol dependence at Healthcare Connection of Tampa between February and March 2013. She was discharged with moderate relapse potential and recommendations for professional monitoring with the Florida program for impaired nurses.

4. Ms. Day reports a sobriety date of February 4, 2013. She attends AA/NA meetings three to five times per week. Her primary care physician treats her for depression, administers intramuscular depo-Naltrexone, and has encouraged her to continue outpatient substance abuse counseling.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(6) and (7) of the Code of Virginia (1950), as amended (“Code”).
2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
3. Ms. Day is eligible for the Health Practitioners’ Monitoring Program (“HPMP”).
4. Ms. Day otherwise meets the requirements of §§ 54.1-3017 and 54.1-3018 of the Code.

CONSENT

Samantha Day, 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 and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her application for licensure by endorsement 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 application of Samantha Day for licensure by endorsement to practice professional nursing is APPROVED contingent upon Ms. Day's entry into the Health Practitioners' Monitoring Program. Thereafter, Ms. Day shall comply with the 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. Day, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Day 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 evidence of Ms. Day'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. Day's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. 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 wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Day 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 Douglas

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

ENTERED: July 29th, 2014

SEEN AND AGREED TO:

Samantha Day
Samantha Day



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

Subscribed and sworn to before me, Adam Payne, a Notary Public, this 21 day of July, 2014.

My commission expires 02-28-2018.

Registration Number 7589138

Adam Payne
NOTARY PUBLIC

Certified True Copy

By S. Brattin
Virginia Board Of Nursing