

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: RUBY TAYLOR, R.N.
License No.: 0001-165336**

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 December 11, 2013, in Henrico County, Virginia. Ruby Taylor, R.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Taylor was present and was not 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. Ruby Taylor, R.N., was issued license number 0001-165336 to practice professional nursing in Virginia on July 16, 1999. The license is scheduled to expire on November 30, 2015. Her primary state of residence is Virginia.

2. By letter dated November 13, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Taylor notifying her that an informal conference would be held on December 11, 2013. The Notice was sent by certified and first class mail to 24156 White Street, Parksley, Virginia 23421, the address of record on file with the Board of Nursing. The Notice was also sent to P. O. Box 1373, Parksley, Virginia 23421, a secondary address.

3. On July 13, 2009, during the course of her employment with Shore Lifecare at Parksley,

Parksley, Virginia, Ms. Taylor submitted to a random drug screen, which was positive for marijuana.

4. On July 20, 2009, Ms. Taylor signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") [formerly the Health Practitioners' Intervention Program], acknowledging her impairment due to substance abuse. On February 19, 2010, she received a stay of disciplinary action regarding the positive urine drug screen referenced above. On May 22, 2013, the stay was vacated for noncompliance with her HPMP contract. By letter dated May 30, 2013, she resigned from the HPMP, and she was subsequently dismissed on July 19, 2013, for noncompliance due to her continued use of marijuana, failure to enter and complete treatment as recommended, failure to comply with the toxicology screening program, and requested resignation from the program.

5. On May 6, 2013, she submitted to a hair test at the request of her HPMP case manager, which was positive for marijuana.

6. On May 23, 2013, she submitted to a urine drug screen when she presented for an assessment with Lake View Psychotherapy, Virginia Beach, Virginia, which was positive for marijuana.

7. On July 12, 2013, during an interview with an investigator with the Virginia Department of Health Professions, she admitted that she had relapsed and smoked marijuana in April, 2013.

8. At the informal conference, Ms. Taylor stated that she had been clean for nearly four years before relapsing in April, 2013. She reported her sobriety date as April 21, 2013. She also stated that she attends NA/AA meetings twice weekly, and that she has a sponsor. She provided evidence of a hair test conducted on November 22, 2013, which was negative.

9. Ms. Taylor was employed with Arcadia Nursing and Rehabilitation from December 22,

2009, until May, 2013, when the HPMP required her to refrain from practice after the positive May 6, 2013, hair test. Ms. Taylor continued to refrain from practice until her employment was terminated on July 23, 2013. At the informal conference, Ms. Taylor reported currently being employed at Wal-Mart.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact Nos. 3, 4, 5, 6, and 7 constitute violations of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-165336 of Ruby Taylor, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Taylor 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. Taylor 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.
5. This suspension shall be STAYED upon proof of re-entry into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Taylor shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ruby Taylor, R.N., and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

- i. Ms. Taylor is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Taylor’s participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Taylor involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Taylor’s participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Taylor’s appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. Taylor’s multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Taylor 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.


8. Ms. Taylor 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 Regulations Governing the Practice of 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Taylor may, not later than 5:00 p.m., on **March 12, 2014**, notify Jay P. 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, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

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: Feb. 7, 2014

This Order shall become final on March 12, 2014, unless a request for a formal administrative hearing is received as described above.