

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

DONNA L. MURPHY, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Donna L. Murphy, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Murphy's license to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Donna L. Murphy, R.N., was issued License No. 0001-077843 to practice professional nursing by the Virginia Board of Nursing on September 10, 1980. Said license is set to expire on October 31, 2010.
2. In February, 2008, during the course of her employment at the Emergency Department of Halifax Regional Hospital, South Boston, Virginia, Ms. Murphy diverted narcotic medications from a patient for her own personal and unauthorized use.
3. Ms. Murphy signed a Participation Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP," formerly the Health Practitioners' Intervention Program) on March 5, 2008, and a Recovery Monitoring Contract on April 11, 2008, in which she acknowledged impairment due to substance abuse.
4. Ms. Murphy was granted a stay of disciplinary action in August 2008, contingent on her continued compliance with all terms and conditions of the HPMP.

5. On February 11, 2009, Ms. Murphy failed to call the test line and submit a urine drug screen to the HPMP. She was placed on a warning status at that time.

6. On March 5, 2009, Ms. Murphy informed her HPMP Case Manager that a hair sample she had submitted earlier that day would test positive for opiates. Ms. Murphy admitted to the unauthorized use of pain medication in February, 2009.

7. On April 17, 2009, as a result of non-compliance with the terms of her HPMP Recovery Monitoring Contract, Ms. Murphy's stay of disciplinary action was vacated.

8. Since her relapse in February 2009, Ms. Murphy has followed all recommendations of the HPMP. She signed an additional Recovery Monitoring Contract on April 15, 2009, and is currently in compliance with her contract.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

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

CONSENT

Donna L. Murphy, R.N., 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 the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right 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:

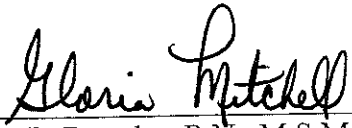
1. The Board shall TAKE NO ACTION at this time contingent on Donna L. Murphy's continued compliance with the terms and conditions of the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Murphy, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Murphy shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Murphy 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 Ms. Murphy's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Murphy's appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Murphy's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Murphy 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. Murphy 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


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

ENTERED: August 19, 2009

SEEN AND AGREED TO:

Donna L. Murphy R.N.
Donna L. Murphy, R.N.

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

Subscribed and sworn to before me, Donna L. Murphy, a Notary Public, this 7th day of August, 2009.

My commission expires May 31, 2010.

Registration Number 264216.



Charlene B. Satterfield
NOTARY PUBLIC