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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: **LURALEE DOWLING, R.M.A., C.N.A.**
Registration No.: 0031-006890
Certificate No: 1401-141514

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), an informal conference was held before an agency subordinate of the Virginia Board of Nursing (“Board”) on June 10, 2014, in Henrico County, Virginia, to inquire into evidence that Luralee Dowling, R.M.A., C.N.A., may have violated certain laws and regulations governing the practice of medication aides in Virginia. Ms. Dowling was present and was not represented by legal counsel.

Upon consideration of the evidence presented, the Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Luralee Dowling was issued Registration No. 0031-006890 to practice as a medication aide by the Virginia Board of Nursing on July 8, 2013. Said registration is set to expire on February 28, 2015.
2. Ms. Dowling was issued Certificate No. 1401-141514 to practice as a nurse aide by the Board of Nursing on December 7, 2010. Said certificate is set to expire on December 31, 2014.
3. By letter dated March 13, 2014, the Virginia Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Dowling notifying her that an informal conference would be held on March 13, 2014. The Notice was sent by certified and first class mail to 12606 Cutler Ridge, Henrico, Virginia 23238, the address of record on file with the Board of Nursing. On your request, the informal conference was continued to June 10, 2014.

4. During her employment at The Lynmoore, Richmond, Virginia, Ms. Dowling failed to administer medication as ordered as evidenced by the following:

a. On September 18, 2013, Ms. Dowling failed to administer Resident A's routine morning medications when making medication rounds. She had signed out the medications but left them on the medication cart.

b. On September 24, 2013, Ms. Dowling failed to administer Resident B's anti-seizure medication resulting in seizures which necessitated his hospitalization.

c. On September 25 and 26, 2013, Ms. Dowling administered medication to Resident B at 8:00 p.m., when his physician's order called for administration of his medication at 5:00 p.m.

5. At the informal conference, Ms. Dowling stated that she had resigned her medication aide position even before the facility investigation was concluded. Rather, she resigned and returned to her previous employment as a C.N.A. at Our Lady of Hope, Henrico, Virginia, where she was more comfortable. In response to questions from the Committee, Ms. Dowling explained her discomfort as a medication aide as stemming from inadequate training in her medication aide course of study and inadequate supervision as a medication aide at the Lynmoore. Specifically, she stated that she was uncomfortable when she had responsibility for the medication cart and made mistakes almost immediately after beginning as a medication aide. Ms. Dowling stated that she may desire at some point to return to practicing as a medication aide but for the time being, she prefers to work as a C.N.A. Ms. Dowling indicated that she would be willing to voluntarily surrender her registration as a medication aide.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-60-120(2)(b) and (f) and (3), and 18 VAC 90-60-110(A)(2) of the Regulations Governing the Registration of Medication Aides.

CONSENT

Luralee Dowling, R.M.A., C.N.A., by affixing her signature hereon, agrees to the following:

1. Ms. Dowling has been advised to seek advice of counsel prior to signing this document;
2. Ms. Dowling 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. Ms. Dowling acknowledges that she has the following rights, among others: the right to a formal fact-finding hearing 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. Ms. Dowling waives all such right to a formal hearing;
5. Ms. Dowling 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. Ms. Dowling consents to the entry of the following Order affecting her right to practice as a medication aide 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 ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Ms. Dowling's registration to practice as a medication aide in the Commonwealth of Virginia.
2. The registration will be recorded as suspended and no longer current.
3. At such time as Ms. Dowling shall petition the Board for reinstatement of her registration, an administrative proceeding will be convened to determine whether she is capable of resuming safe and

competent practice as a medication aide. Ms. Dowling shall be responsible for any fees that may be required for the reinstatement and renewal of the registration prior to issuance of the registration to resume practice.

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

Jane Ingalls
Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: July 15, 2014

SEEN AND AGREED TO:

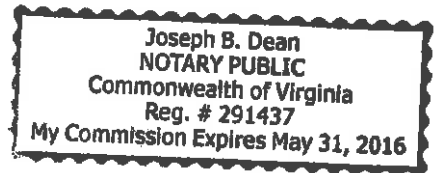
Luralee Dowling
Luralee Dowling, R.M.A., C.N.A.

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

Subscribed and sworn to before me, JOSEPH B. DEAN, a Notary Public, this 25th day of JUNE, 2014.

My commission expires MAY 31, 2016.

Registration Number 291437.



Joseph B. Dean
NOTARY PUBLIC

Certified True Copy

By [Signature]
Virginia Board Of Nursing