

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: Samantha Edwards, C.N.A.
Certificate Number: 1401-130801
Case Number: 170662

RATIFICATION AND ORDER


On July 20, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Samantha Edwards, C.N.A. was present and was not represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 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.

Pursuant to Virginia Code § 54.1-2400(K), the Board considered whether to disclose or not disclose Ms. Edwards' health records or health services.

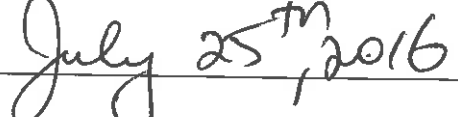
FOR THE BOARD


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

Certified True Copy

By 
Virginia Board Of Nursing

ENTERED AND MAILED ON:


July 25th, 2016

Pursuant to Virginia Code § 54.1-2400(10), Ms. Edwards may, not later than 5:00 p.m., on August 29, 2016, notify Jay P. Douglas, MSM, RN, CSAC, FRE, 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.

This Order shall become final on August 29, 2016, unless a request for a formal administrative hearing is received as described above.

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on April 19, 2016 in Henrico County, Virginia, to inquire into evidence that Samantha Edwards, C.N.A. may have violated certain laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Ms. Edwards appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated March 23, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Edwards notifying her that an informal conference would be held on April 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.

Recommended Findings of Fact and Conclusions of Law

1. Samantha Edwards, C.N.A. was issued Certificate Number 1401-130801 to practice as a nurse aide on June 23, 2009, which is scheduled to expire on June 30, 2016. At all times relevant to the allegations herein, said certificate was in full force and effect.

2. By Order of the Board entered July 1, 2014 (“Board’s Order”), Ms. Edwards was placed on probation subject to terms and conditions. This action was the result of Ms. Edwards’ substance abuse and mental illness that required hospitalization in July 2013.

3. Samantha Edwards, C.N.A. violated Virginia Code § 54.1-3007(6) as evidenced by the following:

a. On January 20, 2015, she was convicted of driving while intoxicated first offense in the Hanover, Virginia, General District Court.

b. On November 9, 2015, Ms. Edwards was voluntarily admitted to St. Mary’s Hospital, Richmond, Virginia, following a suicide attempt. Further, she was diagnosed with bipolar disorder, and continued to use marijuana.

4. Ms. Edwards violated Term No. 2 of the Board’s Order, which required her to inform the Board in writing within ten days of changes in employment, or if any interruption in nurse aide practice occurs. Ms. Edwards failed to inform the Board in writing within ten days of changes in her employment. On November 9, 2015, she stopped working at Autumn Care of Mechanicville, Mechanicsville, Virginia. Ms. Edwards notified the Compliance Case Manager for the Board on January 29, 2016, during a telephone interview that she was unemployed.

5. Ms. Edwards violated Term No. 4 of the Board’s Order, which required her to cause quarterly reports from her treating therapist to be sent to the Board. Ms. Edwards failed to cause quarterly reports sent from her treating therapist to the Board. The report due December 31, 2015, was not received.

6. Ms. Edwards violated Term No. 5 of the Board’s Order, which required that should she be prescribed a Scheduled II – V controlled substance, a written report from the prescriber must be sent

to the Board within ten days of the date the medication was prescribed. Ms. Edwards was prescribed Vicodin (C-II), but failed to cause the prescriber to submit a report to the Board.

7. Ms. Edwards violated Term No. 6 of the Board's Order, which required her to provide all of her treating practitioners with a copy of the Order. Ms. Edwards failed to provide a copy of the Order to the practitioner who prescribed the narcotic medications referenced in Finding of Fact No. 6.

8. Ms. Edwards violated Term No. 7 of the Board's Order, which required her to submit quarterly self-reports. Ms. Edwards submitted quarterly self-reports due November 30, 2014, December 31, 2014, March 31, 2015 and June 30, 2015, late and failed to submit the self-reports due September 30, 2015, and December 31, 2015.

9. Ms. Edwards stated at the informal conference that she receives Prolixin (VI) injections once a month from her physician to manage her mental illness and that she sees a therapist regularly. She also stated that she has been re-hired at Autumn Care, and will return to work soon.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Samantha Edwards is REPRIMANDED.
2. Samantha Edwards is CONTINUED on INDEFINITE PROBATION for a period of not less than one year subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Samantha Edwards has completed one year of active certified nurse aide practice.
 - b. The certificate of Samantha Edwards shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding unless there is a pending

investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, Virginia Code § 2.2-4000 et seq. and Virginia Code § 54.1-2400.9 et seq.

c. Samantha Edwards shall inform the Board in writing within ten days of the date she begins nurse aide practice, or changes employment, or if any interruption in nurse aide practice occurs. Additionally, Samantha Edwards shall provide the name and address of each employer to the Board.

d. Samantha Edwards shall inform her current nurse aide employer and each future nurse aide employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Samantha Edwards is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

e. Samantha Edwards shall direct her therapist to submit a recommended course of therapy, and a prognosis within 45 days from the date this Order is entered. Samantha Edwards shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September, and December until she is discharged from therapy. Samantha Edwards shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

f. Samantha Edwards shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule

II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

g. Samantha Edwards shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any/or consultants designated by the Board, if applicable.

h. Samantha Edwards shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports must be submitted whether she has current practice employment or not. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of pronation ends.

i. Samantha Edwards shall conduct herself as a certified nurse aide in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia and the Board of Nursing Regulations.

j. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within years of the date of entry of the Order, shall be reason for suspending or revoking the certificate of Samantha Edwards, and an administrative proceeding may be held to determine whether her certificate shall be suspended or revoked.

Reviewed and approved on June 22, 2016
By Judith Piersall, R.N., B.S.N.
Agency Subordinate