

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BRITTANY J. NELSON, R.N.
License No.: 0001-218282

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 January 10, 2012, in Henrico County, Virginia. Ms. Nelson was present and was not represented by legal counsel. Janet Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 21, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Nelson was not present nor was she 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. Brittany J. Nelson, R.N., was issued License No. 0001-218282 to practice as a professional nurse in Virginia on May 12, 2009. The license is scheduled to expire on January 31, 2013. Her primary state of residence is Virginia.
2. By letter dated December 15, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Nelson notifying her that an informal conference would be held on January 10, 2012. The Notice was sent by certified and first class mail to 2777 Island Road, Gloucester, Virginia 23061, the address of record on file with the Board of Nursing. The Notice was also sent by certified and first class mail to 8110 Roaring Springs Road, Gloucester, Virginia 23061, a secondary address.

3. During the course of her employment with Walter Reed Convalescent and Rehabilitation Center, Gloucester, Virginia:

- a. On February 25, 2011, Ms. Nelson administered an expired medication to a resident.
- b. On January 25, 2011, Ms. Nelson signed medication and treatment records documenting administration of medication or treatments before these items were completed.
- c. On June 1, 2011, Ms. Nelson administered one 50mg tablet of tramadol HCL (Schedule VI) to a patient, when the physician's order was for three 50mg tablets of tramadol HCL.
- d. On September 11, 2011, Ms. Nelson failed to ensure that the correct flow rate was set for an enteral feeding.
- e. On March 22, 2011, Ms. Nelson failed to follow a physician's order to hemocult stools for a resident.
- f. On February 13 and 14, 2010, Ms. Nelson failed to follow a physician's order for administration of sliding scale insulin to a resident.

4. By her own admission, Ms. Nelson has a history of depression, drug use, and alcohol abuse. She also stated that she has used IV heroin since February, 2011, and has taken suboxone prescribed to another individual.

5. On September 20, 2011, Ms. Nelson was arrested for possession of controlled substances and drug paraphernalia related to her heroin use. Following her arrest, and although there was no evidence of drug diversion or suspicion of impairment on duty, Ms. Nelson's employment with Walter Reed Convalescent and Rehabilitation Center was suspended pending the outcome of her criminal charges. At the informal conference, Ms. Nelson reported her employment has since been terminated and that she was not currently employed in any capacity. Further she reported that she

expected to receive first offender status for her pending criminal charges.

6. At the informal conference, Ms. Nelson reported that she struggled with depression and alcohol abuse as a teenager, and that she became addicted to narcotic pain medication following a surgery. She indicated that her sobriety date is September 15, 2011, and also stated that she is currently prescribed suboxone to treat her addiction issues and that she attends Narcotics Anonymous meetings once a week, although she does not have a sponsor. She further expressed a willingness to enter the Health Practitioners' Monitoring Program ("HPMP"). Her current reported medications were albuterol, Skelaxin, Diclofenac, Prilosec, Flonase, Allegra, and Singular.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(5) and (8) of the Code.
2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing ("Regulations").
3. Findings of Fact Nos. 3(c) – 3(f) constitute violations of § 54.1-3007(2), (3), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.
4. Findings of Fact No. 4 and 6 constitute a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended ("Code").

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-218282 of Brittany J. Nelson, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Nelson 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. Nelson 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 Ms. Nelson's entry into the 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. Nelson 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 Ms. Nelson, 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. She is not in compliance with the terms and conditions specified by the HPMP;

ii. Her participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against her involving a violation of law, regulation, or any term or condition of this order.

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

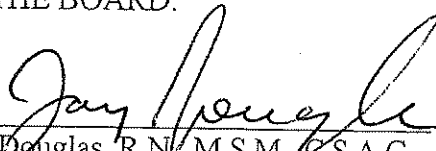
7. This Order is applicable to Ms. Nelson's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Nelson shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without 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. Nelson 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 § 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. Nelson may, not later than 5:00 p.m., on May 2, 2012, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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:


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

ENTERED: March 30TH, 2012

Certified True Copy

By dgaram

Virginia Board of Nursing

This Order shall become final on May 2, 2012 unless a request for a formal administrative hearing is received as described above.