

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: REBECCA HANEY, L.P.N.

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 15, 2009, in Henrico County, Virginia. Ms. Haney was present and was not represented by legal counsel. Jodi Power, R.N., J.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 18, 2009, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Haney was not 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. Rebecca Haney, L.P.N., was issued License No. 0002-055577 to practice practical nursing in Virginia on November 21, 1997. The license is current and will expire on June 30, 2009.
2. By letter dated December 8, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Haney notifying her that an informal conference would be held on January 15, 2009. The Notice was sent by certified and first class mail to P. O. Box 74, Hallieford, Virginia 23068, the address of record on file with the Board of Nursing.
3. On June 8, 2008, Ms. Haney self-reported to the Department of Health Professions that she is addicted to narcotics. By her own admission, Ms. Haney has been chemically dependent since

2006, with hydrocodone (Lortab, Schedule III) being her drug of choice. Ms. Haney reported that her addiction developed following several spinal surgeries and persistent back pain issues, which she initially managed with legitimately prescribed medications.

4. During the course of her employment with Renal Advantage Inc. (“RAI”), Newport News Virginia, from September 27, 2007, through May 21, 2008, by her own admission, Ms. Haney fraudulently wrote prescriptions and received 3,500 dosage units of Lortab for her personal and unauthorized use, by forging her employing physician’s name on prescription pads obtained from RAI. Ms. Haney acknowledged obtaining fraudulent prescriptions for hydrocodone and Phenergan (Schedule VI), which she used while on duty. Her employment at RAI was terminated on June 4, 2008, as a result of these actions. To date no criminal charges have been filed against Ms. Haney.

5. Ms. Haney’s prior employment with Sanders Nursing Home was terminated on March 29, 2006, after receiving multiple disciplinary counseling related to medication administration errors and failing to perform or document ordered treatments. Ms. Haney denied that her nursing performance issues at Sanders Nursing Home were related to addiction, but only poor nursing practices.

6. Ms. Haney inquired into the Health Practitioners’ Intervention Program (“HPIP”), but did not enter due to financial reasons and needing to work. Instead, Ms. Haney detoxified at home in June 2008, and voluntarily entered intensive outpatient treatment at Chesapeake Counseling Associates. As of the date of the informal conference, Ms. Haney has completed twenty-six (26) of thirty-three (33) weeks of intensive outpatient treatment program. Ms. Haney reported that she is in active recovery. After initial reluctance, and as of early January 2009, Ms. Haney is attending Alcoholics Anonymous meetings three times per week. Ms. Haney stated that she has not attended Narcotics Anonymous meetings because they are “too hard.” Ms. Haney does not have a sponsor. At the informal conference, Ms. Haney reported a date of sobriety of June 4, 2008, which she acknowledged only as “estimated,” after further questioning

about a contrary June 2008, sobriety date in the record. Ms. Haney reported she does not currently take any prescription medication, but manages her back pain with an implanted spinal cord stimulator and over the counter ibuprofen, along with recent weight loss.

7. Ms. Haney is currently employed with Walter Reed Convalescent Center (“Walter Reed”) as a licensed practical staff nurse, whose duty requires administration of medication. By her own admission, Ms Haney failed to reveal her RAI employment termination, the prescription fraud, and pending matters before the Board, when she reapplied to Walter Reed in July 2008. Ms. Haney listed “unable to take call” as the reason for leaving RAI on her application dated July 2, 2008. Ms. Haney indicated that she failed to reveal the accurate information because she needed a job.

CONCLUSIONS OF LAW

1. Finding of Fact # 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact # 4 constitutes a violation of § 54.1-3007(2) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Rebecca Haney, L.P.N., is hereby REPRIMANDED.
2. Within sixty (60) days of entry of this Order, Ms. Haney shall submit proof of entry into the HPIP 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 HPIP. Thereafter, Ms. Haney shall comply with the terms and conditions of the HPIP for the period specified by the HPIP.
3. Any violation of the above term and condition stated in this Order shall be reason for revoking the license of Rebecca Haney, L.P.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Mr. Haney shall be noticed to appear before the Board

at such time as the Board is notified that:

- a. Ms. Haney has failed to make application to the HPIP;
- b. Ms. Haney is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;
- c. There is a pending investigation or unresolved allegation against Ms. Haney involving a violation of law or regulation or any term or condition of this Order; or
- d. Ms. Haney has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Haney's participation in and compliance with the HPIP, the Board, at its discretion, may waive Ms. Haney's appearance before the Board and conduct an administrative review of this matter.

4. This Order is applicable to Ms. Haney's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Haney 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 Ms. Haney wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

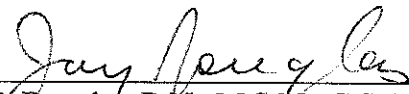
5. Ms. Haney shall maintain a course of conduct in her capacity as a practical commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

This Order is subject to appeal to the Board. If Ms. Haney desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this

Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD

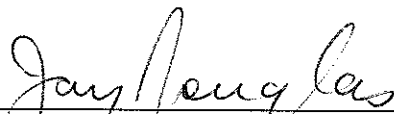


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Board of Nursing

Entered: March 27TH, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Rebecca Haney, L.P.N., P. O. Box 74, Hallieford, Virginia 23068.



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

March 27TH, 2009
DATE