

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARY KATHERINE CUMMINGS, R.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 October 13, 2009, in Henrico County, Virginia. Mary Katherine Cummings, R.N., was present and was not represented by legal counsel. Janet B. Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 18, 2009, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Cummings was present and was not represented by 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. Mary Katherine Cummings, R.N., was issued License No. 0001-081858 to practice professional nursing in Virginia on September 1, 1981. The license is current and set to expire on March 31, 2010.

2. By letter dated September 15, 2009, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Cummings notifying her that an informal conference would be held on October 13, 2009. The Notice was sent by certified and first class mail to 1206 Cherry Avenue, Charlottesville, Virginia 22903, the address of record on file with the Board of Nursing, and to 109 Shasta Court, Charlottesville, Virginia 22903, a secondary address.

3. By Order entered March 5, 2007, the Board reinstated Ms. Cummings' license, which had previously expired in March, 1996, upon the condition that she remain in compliance with all terms and conditions of her Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP"; formerly, the Health Practitioners' Intervention Program) for the period specified by the HPMP. This action was based upon findings which included that Ms. Cummings admitted to a longstanding addiction to opiates; that in January, 2007, the Board of Nurse Examiners for the State of Texas issued an Agreed Order requiring Ms. Cummings to participate and complete the Texas Peer Assistance Program for Nurses or an alternative program in the Commonwealth of Virginia; and that Ms. Cummings had entered into a Recovery Monitoring Contract with the HPMP.

4. On May 28, 2009, Ms. Cummings was urgently dismissed from the HPMP due to non-compliance with the terms of her Recovery Monitoring Contract. Specifically, she failed to take Naltrexone medication as required, failed to submit required monthly reports, and failed to follow the HPMP order to refrain from working after Naltrexone noncompliance was discovered.

5. Ms. Cummings' 12-Step recovery sponsor appeared at the informal conference and reported that Ms. Cummings is totally dedicated to her recovery. Additionally, another person from her recovery group, who is employed by the Boxwood residential treatment center, spoke to her character and dedication to service and to her recovery.

6. Ms. Cummings submitted a letter of support dated October 6, 2009, from her Employee Assistance Consultant through University of Virginia Health System, which stated that he has met with Ms. Cummings on average three to four times a month since May 7, 2007; that she is active and engaged in counseling; and that she demonstrates a solid commitment to both her 12-Step recovery program and individual counseling.

7. Ms. Cummings addressed the performance issues noted in counseling memos from her employment as an Administrative Coordinator at University of Virginia Medical Center, Charlottesville, Virginia, which referenced Ms. Cummings using vulgar language, loud talking and poor customer service. On May 11, 2009, Ms. Cummings was placed on administrative leave because of these issues. Ms. Cummings acknowledged issues with being argumentative and having difficulty with her relationship with her supervisor. Ms Cummings did file a grievance due to a hostile work environment. Ms. Cummings stated that she was terminated from her position at this facility as of August 4, 2009, for failing to complete a computer course.

8. Ms. Cummings stated that she did enroll in an anger management course as recommended by the HPMP, and is scheduled to complete it in November.

9. Ms. Cummings stated she will re-enter the HPMP and remain in compliance. She hopes that will not involve Naltrexone or being denied the opportunity to work in an emergency department setting.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of Term No. 1 of the Board's Order entered March 5, 2007.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-081858 of Mary Katherine Cummings, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Cummings 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. Cummings 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 re-entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Cummings 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 Mary Katherine Cummings, R.N., 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. Ms. Cummings is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Cummings' participation in the HPMP has been terminated;

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

6. At such time as the Board is notified that Ms. Cummings has successfully participated in and complied with the HPMP, the Board, at its discretion, may waive Ms. Cummings's appearance before the Board and conduct an administrative review of this matter.

7. This Order is applicable to Ms. Cummings' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Cummings shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure

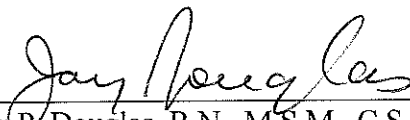
privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Cummings wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of

8. Ms. Cummings 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 Regulations Governing the Practice of Nursing.

This Order is subject to appeal to the Board. If Ms. Cummings 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
Virginia Board of Nursing

Entered: December 8th, 2007