

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DANA S. KENNEY, R.N.
License No.: 0001-170297

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 February 25, 2014, in Henrico County, Virginia. Dana S. Kenney, R.N., was not present nor was she represented by legal counsel. Judith E. Piersall, R.N. B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 21, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Kenney 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. Dana S. Kenney, R.N., was issued License No. 0001-170297 to practice professional nursing by the Virginia Board of Nursing on July 31, 2000. Said license is set to expire on January 31, 2015. Her primary state of residence is Virginia.

2. By letter dated January 31, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Kenney notifying her that an informal conference would be held on February 25, 2014. The Notice was sent by certified and first class mail to 5524 Green Meadow Road, Roanoke, Virginia 24018, the address of record on file with the Board of Nursing. The Notice was also sent by certified and first class mail to 4300 Banbury Lane, Apt. C, Roanoke, Virginia 24018, a secondary address. The certified mail receipt for the Notice sent to Ms. Kenney's address of record was not returned

to the Board. The certified mail receipt for the Notice sent to the secondary address was signed and returned to the Board on February 11, 2014. The Notices sent by regular mail were not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Kenney and the informal conference proceeded in her absence.

3. By her own admission, on July 18, 2013, during the course of her employment with Nurse Finders of Roanoke, Roanoke, Virginia (“Nurse Finders”), while assigned to Kendal at Lexington, Lexington, Virginia, Ms. Kenney diverted oxycodone pills from the supply of Resident A, and took the corresponding narcotic count sheet. As a result, her employment with Nurse Finders was suspended on July 19, 2013.

4. On July 22, 2013, Ms. Kenney was charged with possession of a controlled substance and with obtain prescription by fraud/etc., both felonies, in the Circuit Court of Rockbridge County, Virginia. The former charge was nolle prosequi, and the latter charge was taken under advisement for two years. Ms. Kenney’s next scheduled court date related to this charge is January 7, 2016.

5. Ms. Kenney reported a history of back pain for which she takes narcotic pain medication.

6. Ms. Kenney signed a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) on July 30, 2013, but was subsequently dismissed from the program on November 18, 2013, due to her failure to attend her third scheduled program orientation, and due to her failure to enter treatment as recommended.

7. A prescription monitoring report indicates that between July 24, 2010, and July 24, 2013, Ms. Kenney received approximately 56 prescriptions for narcotics from approximately eight practitioners, and had the prescriptions filled at five different pharmacies.

8. Ms. Kenney did not respond to written notifications from an investigator with the

Virginia Department of Health Professions, and therefore, was not interviewed, nor is her employment history available. A brief telephone conversation was held with Ms. Kenney on October 15, 2013, in which she agreed to meet with the investigator for a personal interview; however, she did not confirm the interview date and time as requested and she did not come to the interview scheduled for October 24, 2013. During this conversation, Ms. Kenney also informed the investigator that she could not afford HPMP.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

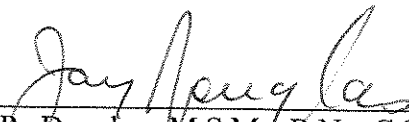
1. License No. 0001-170297 of Dana S. Kenney, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Kenney shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Kenney 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.

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

Since Ms. Kenney failed to appear at the informal conference, this Order shall be considered final. Ms. Kenney has the right to appeal this Order directly to the appropriate Virginia circuit court. As

provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Kenney has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Entered: June 5th, 2014