

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: JASON R. SUMNER, R.N.  
License No.: 0001-212010**

**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 December 3, 2015, in Henrico County, Virginia. Mr. Sumner was not present nor was he represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Sumner was not present nor was he 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. Jason R. Sumner, R.N., was issued License No. 0001-212010 to practice professional nursing in Virginia on April 7, 2008. The license expired on November 30, 2015. Mr. Sumner's primary state of residence is Virginia.
2. By letter dated November 4, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Sumner notifying him that an informal conference would be held on December 3, 2015. The Notice was sent by certified and first class mail to 2808 Pennington Road, Henrico, Virginia 23294, the address of record on file with the Board of Nursing. The certified mail receipt was not returned to the Board office. According to the USPS online tracking, delivery of the Notice sent by certified mail was attempted on November 9, 2015 but failed because there was no authorized recipient available. Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Sumner and the informal conference proceeded in his absence.

3. By Order entered June 5, 2014 (“Board’s Order”), the Board required Mr. Sumner to enter into the Health Practitioners’ Monitoring Program (“HPMP”) and remain in compliance with the terms and conditions of the HPMP. This Order was based on findings that Mr. Sumner had a history of alcohol abuse, with prior hospitalizations and treatment for alcohol abuse.

4. Mr. Sumner entered into the HPMP and signed his participation contract on August 22, 2014. On January 26, 2015, Mr. Sumner was dismissed from the HPMP for noncompliance due to his continued use of alcohol and heroin and his failure to enter an intensive outpatient program, as recommended by the HPMP.

5. On November 14, 2014, Mr. Sumner was hospitalized at Henrico Doctors’ Hospital following a heroin overdose. Further, Mr. Sumner reported drinking at least six beers on November 15, 2014.

6. In a letter to the Department of Health Professions, Mr. Sumner wrote that his dismissal from the HPMP was a direct result of his inability to afford the program. To date, Mr. Sumner has not re-entered the HPMP.

#### CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Term No. 1 of the Board’s Order and §54.1-3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of §54.1-3007(6) of the Code.

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Jason R. Sumner, R.N. to renew License No. 0001-212010 is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Mr. Sumner shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of professional nursing. Mr. Sumner 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. Jason R. Sumner, R.N. is hereby REPRIMANDED.

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.

Since Mr. Sumner failed to appear at the informal conference, this Order shall be considered final. Mr. Sumner 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, Mr. Sumner has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, 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 Douglas* *February 9<sup>th</sup> 2016*  
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Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

Certified True Copy

By *[Signature]*  
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Virginia Board Of Nursing