

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LeeAnn Roberts, R.N.
 License No.: 0001-136205**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on March 26, 2014, in Henrico County, Virginia. LeeAnn Roberts, R.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., 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. Roberts 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. LeeAnn Roberts, R.N., was issued License No. 0001-136205 to practice professional nursing in Virginia on January 10, 1994. The license is scheduled to expire on May 31, 2015. Her primary state of residence is Virginia. She previously held professional nursing licenses in Florida and Pennsylvania, both of which have expired.

2. By letter dated February 25, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Roberts notifying her that an informal conference would be held on March 26, 2014. The Notice was sent by certified and first class mail to 4444 Sanibel Circle #208, Virginia Beach, Virginia 23462, the address of record on file with the Board of Nursing. The certified mail receipt was signed on February 27, 2014. The Notice sent by first class mail was not returned to the Board office.

The Agency Subordinate concluded that adequate notice was provided to Ms. Roberts, and the informal conference proceeded in her absence.

3. During the course of her employment with Grace Hospice, Norfolk, Virginia:

a. On November 19, 2013, by her own admission, Ms. Roberts diverted Percocet (oxycodone, Schedule II) from a client for her personal and unauthorized use. In addition, by her own admission, Ms. Roberts had diverted narcotic medications from other clients' supplies on several occasions.

b. On November 22, 2013, by her own admission, Ms. Roberts falsified a Drug Disposal Form by writing that she had disposed of a client's Ativan when she had actually lost the bottle containing the medication.

4. Ms. Roberts' employment with Grace Hospice, which began in July 2013, was terminated on November 22, 2013.

5. In an interview with an investigator for the Department of Health Professions, Ms. Roberts acknowledged a "problem" with narcotics. She stated that narcotics provide the only relief from the pain she suffers due to fibromyalgia. She previously had participated in the Health Practitioners' Monitoring Program in 1999 but was dismissed for failing to enter treatment as recommended. The Board took no action against Ms. Roberts at that time. Ms. Roberts stated that she would be "setting herself up for failure" if she re-entered the HPMP because she needed narcotic pain medications.

6. Ms. Roberts was placed on probation for five years by the Pennsylvania State Board of Nursing in 2000 based on findings that she was unable to safely practice professional nursing due to illness, addiction to drugs or alcohol, or mental incompetence.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) 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 (“Regulations”).

2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

3. 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. License No. 0001-136205 of LeeAnn Roberts, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Roberts 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 nursing. Ms. Roberts 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 inspection and copying upon request.

Since Ms. Roberts failed to appear at the informal conference, this Order shall be considered final. Ms. Roberts 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. Roberts 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


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

Entered: June 3, 2014

Certified True Copy

By 
Virginia Board of Nursing