

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LUCINDA ANN BROOKE, R.N.
License Number: 0001-169506
Case Number: 173094, 173184

RATIFICATION AND ORDER

On July 19, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Lucinda Ann Brooke, R.N., was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, 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.


Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Brooke's health records or health services.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Brooke may, not later than 5:00 p.m., on August 30, 2017, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Certified True Copy

By 
Virginia Board of Nursing

FOR THE BOARD


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

ENTERED AND MAILED ON:


July 28, 2017

This Order shall become final on August 30, 2017, unless a request for a formal administrative hearing is received as described above.

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LUCINDA ANN BROOKE, R.N.
License Number: 0001-169506
Case Numbers: 173094, 173184

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on June 5, 2017 in Henrico County, Virginia, to inquire into evidence that Lucinda Ann Brooke, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Brooke appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated May 8, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Brooke notifying her that an informal conference would be held on June 5, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Recommended Findings of Fact and Conclusions of Law

1. Lucinda Ann Brooke, R.N., was issued License Number 0001-169506 to practice professional nursing on July 21, 2000, which is scheduled to expire on August 31, 2018. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. By Order entered June 3, 2014 (“Board’s Order”), the Board placed Ms. Brooke on indefinite probation for not less than two years of active nursing employment, subject to certain terms and conditions. This action was based on findings that Ms. Brooke had committed numerous errors regarding the administration of narcotics and benzodiazepines at two different facilities. In addition, the action was based on findings that Ms. Brooke had appeared impaired on duty and that she had been diagnosed with attention deficit disorder, premenstrual dysphoric disorder, and social anxiety.

3. Ms. Brooke violated Term Number 4 of the Board’s Order, which required her to submit quarterly performance evaluations, in that the performance evaluation due December 31, 2014 was received by the Board on January 13, 2015; the evaluation due March 31, 2015 was received on March 24, 2015, and the report due December 31, 2015 was received on January 12, 2016.

4. Ms. Brooke violated Term Number 6 of the Board’s Order, which required her to provide a complete copy of the Board’s Order to all current and future treating practitioners, in that while she received prescriptions from at least five providers between June 3, 2014 and July 6, 2016, the Board’s Compliance Division was unable to verify that she provided a complete copy of the Board’s Order to these providers. At the informal conference, Ms. Brooke stated that her psychiatrist and her cardiologist have the Board’s Order, but that she failed to take a copy to give to providers when she went to urgent care facilities for episodic illnesses or to the emergency room following a car accident.

5. Ms. Brooke violated Term No. 9 of the Board’s Order, which required her to comply with the laws and regulations governing the practice of nursing, as more fully set out in Finding of Fact Number 6, below.

6. During the course of her employment with UVA Health System, Charlottesville, Virginia:

a. Ms. Brooke violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-

19-230(A)(2)(f), effective February 24, 2017) (“Regulations”) in that on March 11, 2016, she failed to perform or document pain assessments and the amount of narcotic pain medication that Patient A received via the computerized ambulatory delivery device (“CADD”) pump.

b. On March 13, 2016:

i. Ms. Brooke violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(f), effective February 24, 2017) in that she removed the cartridge and primed Patient B’s CADD pump, which contained hydromorphone (C-II), three times when it was not necessary to do so, resulting in the reduction of pain medication to the patient. Further, this action resulted in the wastage of hydromorphone, but Ms. Brooke failed to have the wastage witnessed. Finally, she turned Patient B’s CADD pump off twice and also set the pump to refrain from alarming when there was air in the lines and/or when an occlusion occurred.

ii. Ms. Brooke violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(e) and (f), effective February 24, 2017) in that she falsified the volume of hydromorphone in Patient B’s CADD pump, first by documenting that there was 70ml at 05:00 when there had been only 62ml at 23:48 the night before, and then by documenting that there was 100ml when previously there had been only 70ml.

iii. Ms. Brooke violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(a) and (f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(a) and (f), effective February 24, 2017) in that she changed the dosage rate in Patient B’s CADD pump from 0.2mg/ml to rates ranging from 0mg/ml to 1mg/ml per hour, and altered Patient B’s clinical boluses and delivery limits, all without a physician’s order.

7. Ms. Brooke's explanation of her reprogramming of Patient B's CADD pump was inconsistent with the pump's event log. She submitted to a drug screen during UVA's investigation of the matters involving the CADD pumps. The screen was negative. Ms. Brooke's employment was terminated.

8. At the informal conference, Ms. Brooke stated that Patient B's CADD pump was malfunctioning and acknowledged that she committed numerous errors when trying to troubleshoot.

9. Ms. Brooke is currently employed with Fresenius Dialysis Care. She stated that this employer is aware of her reason for leaving UVA and of this matter before the Board.

10. Tonya James, the Board's Compliance Case Manager, stated at the informal conference that Ms. Brooke's reports for September and December 2016 and January 2017 have been received on time. She also reported that Ms. Brooke has practiced professional nursing under the Board's Order long enough to be eligible for release from probation.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Lucinda Ann Brooke, R.N., is CONTINUED on INDEFINITE PROBATION for a period of six additional months, subject to the following terms and conditions:

a. The period of probation shall end at such time as Lucinda Ann Brooke, R.N., has completed a total of 30 months of active employment as a professional nurse beginning July 3, 2014. The license shall be reinstated without restriction at the completion of the probationary period unless there is a pending investigation or unresolved allegation involving a violation of law or regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely until

such time as the Board makes a case decision in accordance with the Administrative Process Act (Virginia Code § 2.2-4000 *et seq.*) and Virginia Code § 54.1-2400(9).

b. Ms. Brooke shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Brooke shall provide the name and address of each employer to the Board.

c. Ms. Brooke shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Brooke is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Performance Evaluations shall be provided, at the direction of Ms. Brooke, by all nursing employer(s), as provided by the Compliance Division. Reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

e. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Brooke shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

f. Ms. Brooke shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

g. Ms. Brooke shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60

days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

h. Within 60 days from the date of entry of this Order, Lucinda Ann Brooke, R.N., shall provide written proof satisfactory to the Board of successful completion of the following NCSBN course: *Professional Accountability & Legal Liability for Nurses*. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

i. Lucinda Ann Brooke, R.N., shall comply with all laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

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

2. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Lucinda Ann Brooke, R.N., and an administrative proceeding shall be held to determine whether to impose such action.

3. This Order shall remain in effect until the Board has notified Lucinda Ann Brooke, R.N., in writing that she is released from probation.

Reviewed and approved on June 16, 2017
By Allison Gregory, M.S., R.N., F.N.P.-B.C.
Agency Subordinate

Certified True Copy

By 
Virginia Board Of Nursing