

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LUCINDA BROOKE, R.N.
License No.: 0001-169506**

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. Lucinda Brooke, R.N., was present and was represented by Nicholas Balland, Esquire. 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. Brooke 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. Lucinda Brooke, R.N. was issued License No. 0001-169506 to practice professional nursing in Virginia on July 21, 2000. The license is scheduled to expire on August 31, 2014. Her primary state of residence is Virginia.
2. By letter dated February 25, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Brooke notifying her that an informal conference would be held on March 26, 2014. The Notice was sent by certified and first class mail to 95 Fairfax Street, Warrenton, Virginia 20186, the address of record on file with the Board of Nursing.
3. During the course of her employment with Prince William Medical Center, Manassas, Virginia:

a. On September 27, 2013, Ms. Brooke exhibited slurred speech, sleepiness, and swaying while walking. She refused to submit to a fitness for duty test.

b. Ms. Brooke stated at the informal conference that she was sleepy, but she denied being impaired. She stated that she refused the fitness for duty test because she was embarrassed and upset, and that she now regrets that decision.

c. Between July and September 2013, Ms. Brooke committed numerous errors regarding the administration of narcotics and benzodiazepines. In addition, she had trouble completing her charting on time, often staying two to three hours after clocking out to complete her charting.

5. Ms. Brooke's employment with Prince William Hospital, which began in November 2009, was terminated for failure to submit to the fitness for duty test.

6. Previously, Ms. Brooke had been employed at Fauquier Hospital, where she also had numerous problems with charting medications.

7. Ms. Brooke presented a report of a psychological evaluation by Sarika Garga, L.C.P. dated January 20, 2014. Dr. Garga diagnosed Ms. Brooke with attention deficit disorder as well as premenstrual dysphoric disorder and social anxiety. She noted that Ms. Brooke had difficulty focusing on details and resisting distractions. Dr. Garga recommended a structured work environment for Ms. Brooke.

8. Ms. Brooke is not currently working as a nurse. She stated that she did intend to return to nursing. Her current medications include Strattera, Prozac, and PRN Xanax or Lunesta. She sees a psychiatrist every three months. She is not seeing a counselor, although this was strongly recommended by Dr. Garga.

9. Ms. Brooke submitted drug screens that were taken in October 2013 and March 2014, both of which were negative. She completed 10.5 hours of continuing education in medication documentation, preventing medical errors, and coping with stress in March 2014.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(5) and (6) of the Code.
2. Finding of Fact No. 3(c) constitutes a violation of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that Lucinda Brooke, R.N. shall be placed on INDEFINITE PROBATION for not less than two years subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Brooke has completed two years of active employment as a professional nurse. The license of Ms. Brooke shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.
2. 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.
3. 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.
4. Performance Evaluations shall be provided, at the direction of Ms. Brooke, by all nursing employer(s), as provided by the Compliance Division. 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.

5. Ms. Brooke shall practice nursing only in a structured, supervised setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site supervision by a professional nurse who works the same shift, on the same level of the building, and holds an unrestricted license. 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.

6. 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.

7. 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.

8. Ms. Brooke shall return all copies of her license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”

9. Ms. Brooke shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

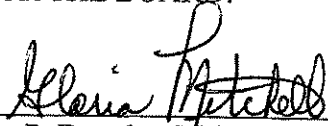
10. Any violation of the stated terms and conditions contained in this Order, or failure to

comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Brooke and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

11. This Order is applicable to Ms. Brooke's multistate licensure privileges, if any, to practice professional nursing. 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 wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Brooke may, not later than 5:00 p.m., on July 7, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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.

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

This Order shall become final on July 7, 2014, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing