

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BRENDA L. PATTERSON, R.N.

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 24, 2011, in Henrico County, Virginia, to inquire into evidence that Brenda L. Patterson, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Patterson was present and was represented by Gregory L. Cassis, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Brenda Patterson, R.N., was issued License No. 0001-151319 to practice professional nursing in the Commonwealth of Virginia on November 12, 1996. Said license is scheduled to expire on November 30, 2012. Ms. Patterson's primary state of residence is Virginia.

2. During the course of her employment with Bon Secours St. Mary's Hospital, Richmond, Virginia, on November 4 and 5, 2009, during the 7:30 p.m. to 8:00 a.m. shift:

a. Ms. Patterson was observed sleeping at the nurses' station while on duty. Ms. Patterson, between 11:30 p.m. and 4:30 a.m., was witnessed on multiple occasions by three nurses on the shift, as well as by two nurses from other units, as having her head down on one of her arms, with her eyes

closed, covered with a blanket and with a K-pad that she ordered and used for unauthorized personal use.

Two of the unit nurses on duty that night testified that they attempted unsuccessfully to arouse Ms. Patterson in order to get her to assist with patient care. Ms. Patterson testified that she believed the charge nurse came to the nursing station, not to have Ms. Patterson complete assigned paperwork but to check on whether she was sleeping as reported by other nurses on duty that night. The charge nurse reported the sleeping incident to the unit's Nurse Manager the next day. The nursing supervisor on duty that night advised the investigator for the Department of Health Professions that she was on the unit at least two times during the shift, and that she observed Ms. Patterson sitting but not sleeping at the nurses' station.

b. Ms. Patterson failed to administer medications to three patients: specifically, Protonix and benzonatate to Patient A, by her own admission; piperacillin, insulin and a sodium chloride flush to Patient B; and heparin and a sodium chloride flush to Patient C. This failure is evidenced by the three patients' Medication Administration Records, which do not reflect any administration of the medication at the scheduled times. An audit of the hospital's Pyxis records revealed that the medications that were scheduled to be administered by Ms. Patterson during the shift were never removed from the machine. This report of Ms. Patterson's failure to administer the scheduled medications was confirmed by the hospital pharmacy. Ms. Patterson testified that she purposefully withdrew all her medications from the Pyxis at one time although she knew doing so was a violation of hospital policy.

3. Ms. Patterson's employment with St. Mary's was terminated as a result of these incidents and her failure to comply with the terms of previous counseling and final warning. The Nurse Manager of the unit testified that she had verbally counseled Ms. Patterson for her abrasive personality with peers and issued Ms. Patterson written counseling regarding patient care incidents involving soiling, failure to make patient rounds, failure to comply with the hospital's restraint policy and for the inappropriate use of hospital isolation gowns for her own personal use. Ms. Patterson's performance evaluation was described as average to above average.

CONCLUSION OF LAW

The Board concludes that Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Brenda L. Patterson, R.N., is hereby REPRIMANDED.
2. Ms. Patterson is hereby placed on INDEFINITE PROBATION for not less than one year of actual nursing employment subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After one year of active employment as a professional nurse, Ms. Patterson may request that the Board end this probation.
 - b. Ms. Patterson 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. Patterson shall provide the name and address of each employer to the Board.
 - c. Ms. Patterson 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. Patterson 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. Patterson, 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.
 - e. Ms. Patterson shall provide evidence that she has completed the following NCSBN

online courses within 90 days of entry of the Order: Ethics of Nursing Practice; Medication Errors: Detection & Prevention; Disciplinary Actions: What Every Nurse Should Know; and Professional Accountability & Legal Liability for Nurses.

f. Ms. Patterson shall practice nursing only in a structured/supervised employment setting satisfactory to the Board for the first six months after being placed on probation. This employment setting shall provide on-site supervision by a professional nurse who works the same shift, works 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. Patterson shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

g. Ms. Patterson 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. Ms. Patterson 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 \$5.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms" or a certificate marked "Probation with Terms."

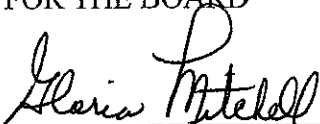
i. Ms. Patterson shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

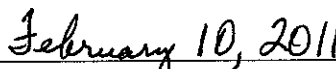
j. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Patterson and an administrative proceeding shall be held to decide whether her license shall be revoked.

3. This Order shall be applicable to Ms. Patterson's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Patterson may 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.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD


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


ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.