

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       ALEXANDRA P. BERNIER, R.N.  
              License No.: 0001-229331**

**CONSENT ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on August 13, 2013, in Henrico County, Virginia, to inquire into evidence that Alexandra P. Bernier, R.N., may have violated certain laws governing the practice of nursing in Virginia. Ms. Bernier was not present and was not represented by legal counsel.

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

**FINDINGS OF FACT**

1. Alexandra P. Bernier, R.N., was issued License No. 0001-229331 to practice professional nursing by the Virginia Board of Nursing on February 16, 2011. Said license is set to expire on December 31, 2015. Her primary state of residence is Virginia.
2. By letter dated July 16, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Bernier notifying her that an informal conference would be held on August 13, 2013. The Notice was sent by certified and first class mail to 9611 Percussion Way, Vienna, Virginia 22182, the address of record on file with the Board of Nursing. ~~The certified mail was delivered on July 20, 2013. The~~ Notice sent by first class mail was not returned to the Board office. The Notice was also sent to 4226 Kirk Road, Lake Worth, Florida 33461, a secondary address. The certified mail has not been delivered; however, the Notice sent by first class mail was not returned to the Board office. The Committee Chair concluded that adequate notice was provided to Ms. Bernier and the informal conference proceeded in her absence.

3. From May 2011, to April 18, 2012, during the course of her employment with the medical practice of Dr. Tyroler, Ms. Bernier obtained multiple prescriptions for various Schedule II and Schedule III medications by taking preprinted prescription pads and forging the names of practitioners at the practice as the prescribers, and by phoning in prescriptions using the name of another nurse in the practice.

4. On May 10, 2012, Ms. Bernier entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"). On January 11, 2013, Ms. Bernier was dismissed from the program due to noncompliance and lack of response. Specifically, she failed to have urine drug screen results submitted to the HPMP from the halfway house in Florida where she was residing as part of her treatment with the Millennium Treatment Group Intensive Outpatient Program ("Millennium"), which she enrolled in on October 13, 2013.

5. On July 12, 2011, in the General District Court of Fairfax City, Virginia, Ms. Bernier was convicted of driving while under the influence. She was sentenced to 180 months in jail, with 170 months suspended. She was also fined \$500.00 plus court costs, which were paid on July 19, 2011. Ms. Bernier was also ordered to complete the Virginia Alcohol Safety Action Program (VASAP).

6. Ms. Bernier has a sobriety date of April 30, 2014. She provided the Board with a letter from the Clinical Director of Millennium, dated November 13, 2013, stating that she had "cooperated and participated fully in all our treatment modalities," has "tested negative for all substances other than those prescribed by medical staff," and "is clean and participatory." The director went on to state that she "has nothing but sincere praise" for Ms. Bernier's hard work and commitment to her recovery and her career choice (nursing).

7. Ms. Bernier reported that she was unaware that the urine drug screen results from Florida were not provided to HPMP.

8. Ms. Bernier currently resides in Florida and has no plans to work in Virginia at this time.

**CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.
2. Findings of Fact Nos. 4 and 5 constitute a violation of § 54.1-3007(6) of the Code.

**CONSENT**

Alexandra P. Bernier, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document, and is represented by Eileen M. Talamante, Esquire and Michael L. Goodman, Esquire;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She neither admits nor denies the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

**ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0001-229331 of Alexandra P. Bernier, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Bernier 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 professional nursing. Ms. Bernier 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. This suspension shall be STAYED upon proof of Ms. Bernier's re-entry into the HPMP, or similar monitoring program in Florida. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
  - a. Ms. Bernier shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
  - b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Bernier, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
    - i. Ms. Bernier is not in compliance with the terms and conditions specified by the HPMP;
    - ii. Her participation in the HPMP has been terminated;
    - iii. There is a pending investigation or unresolved allegation against her involving a violation of law, regulation, or any term or condition of this order.

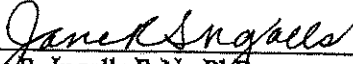
6. Upon receipt of evidence of Ms. Bernier's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Bernier's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. Bernier's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Bernier 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.

8. Ms. Bernier 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.

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 upon request.

FOR THE BOARD

  
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Jane R. Ingalls R.N., PhD.  
President, Virginia Board of Nursing

ENTERED: May 20, 2014

SEEN AND AGREED TO:

  
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Alexandra P. Bernier, R.N.

State of Florida,  
COUNTY/CITY OF Palm Beach TO WIT:

Subscribed and sworn to before me, Ange Polynice, a Notary Public, this 4<sup>th</sup> day of April, 2014.

My commission expires November 24, 2017.

Registration Number FF 72965.



Ange Polynice  
State of Florida  
MY COMMISSION # FF 72965  
Expires: November 24, 2017

Ange Polynice  
NOTARY PUBLIC

Certified True Copy

By [Signature]  
Virginia Board of Nursing