

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ADRIENNE CICIO, R.N. REINSTATEMENT APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on December 6, 2010, in Henrico County, Virginia, to receive and act upon Adrienne Cicio’s application for reinstatement of her license privilege to practice professional nursing in Virginia and to inquire into evidence that Ms. Cicio may have violated certain laws and regulations governing professional nursing practice. Ms. Cicio was present and was represented by Michael Goodman, Esquire.

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

FINDINGS OF FACT

1. Adrienne Cicio was issued License No. 0001-165306 to practice professional nursing in the Commonwealth of Virginia on July 16, 1999. Said license was suspended by Order of the Board entered on July 15, 2008. Ms. Cicio submitted an application for reinstatement of her license to the Board on June 23, 2010. Ms. Cicio’s primary state of residence is Virginia.

2. By letter dated September 17, 2010, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Cicio notifying her that an informal conference would be held on October 12, 2010. The Notice was sent by certified and first class mail to 4130 Cannon Ridge Court, Unit P, Fairfax, Virginia 22033, the address of record on file with the Board of Nursing. By Ms. Cicio’s request, the informal conference was continued to December 6, 2010.

3. In October, 2007, before Ms. Cicio's license was suspended, Ms. Cicio fraudulently obtained Vicodin (hydrocodone/acetaminophen, Schedule III) by calling prescriptions in for herself using the names and DEA numbers of other health care providers. As a result of this conduct, Ms. Cicio was convicted of one count of misdemeanor obtaining or attempting to obtain a controlled drug by fraud in the Fairfax County, Virginia, Circuit Court. The conviction occurred after the deferred disposition of a felony charge, during which time Ms. Cicio successfully completed supervised probation.

4. Ms. Cicio acknowledged at the informal conference that she suffers from mental illness and substance abuse.

5. Ms. Cicio entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") on September 28, 2009. She stated at the informal conference that her sobriety date was November 14, 2009. She presented evidence that she participates in AA, NA, and other support groups, and that she is compliant with her psychiatric treatment and medication regimen.

6. Kara Franco, HPMP Case Manager, appeared at the informal conference on Ms. Cicio's behalf. She stated that Ms. Cicio is compliant with her Recovery Monitoring Contract. Ms. Franco supported the reinstatement of Ms. Cicio's license to practice professional nursing.

7. Ms. Cicio presented evidence of completion of 26 hours of continuing nursing education.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing..

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

3. Based on the above Findings of Fact, the Committee concludes that Ms. Cicio is properly enrolled in the Health Practitioners' Monitoring Program.

4. The Committee concludes that Ms. Cicio has demonstrated satisfactory evidence that she is prepared to resume the practice of professional nursing in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Adrienne Cicio, R.N., is hereby REPRIMANDED.

2. The license of Adrienne Cicio to practice professional nursing in Virginia is hereby REINSTATED contingent upon her continued compliance with the HPMP for the period specified by the HPMP. Ms. Cicio shall be issued a license marked “Valid in Virginia Only.”

3. This order shall be applicable to Ms. Cicio’s multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Cicio shall not work outside 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 request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

4. Ms. Cicio 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.

5. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Cicio, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Cicio shall be noticed to appear before the Board at such time as the Board is notified that:

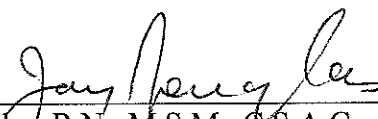
a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Cicio's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

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 COMMITTEE



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

ENTERED: December 10th, 2010

NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.