

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: CYNTHIA MCCAFFREY, R.N.
License No.: 0001-107629**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on December 1, 2015 in Henrico County, Virginia. Cynthia McCaffrey, R.N. was not present nor was she represented by legal counsel. Judith Pearsall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. McCaffrey 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. Cynthia McCaffrey, R.N. was issued License No. 0001-107629 to practice professional nursing in Virginia on August 17, 1987. The license expired on November 30, 2015. Her primary state of residence is Virginia.
2. By letter dated November 3, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. McCaffrey notifying her that an informal conference would be held on December 1, 2015. The Notice was sent by certified and first class mail to 106 Donovan Court, Yorktown, Virginia 23693, the address of record on file with the Board of Nursing. The Notice was also

sent to 301 N. Cheswick Circle, Yorktown, Virginia 23693, a secondary address. The receipt for the Notice sent by certified mail to the secondary address was signed by Ms. McCaffrey on November 5, 2015. The Notices sent by first class mail were not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. McCaffrey and the informal conference proceeded in her absence.

3. Ms. McCaffrey was hospitalized several times in 2015, twice by Temporary Detention Order, due to alcohol intoxication, suicidal ideation, and attempted suicide by overdose. Her discharge diagnoses included depressive disorder, polysubstance abuse, and alcohol dependence. She also received inpatient substance abuse treatment during this time.

4. On March 17, 2015, Ms. McCaffrey signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in which she acknowledged that her alcohol abuse impairs her ability to practice nursing. She was dismissed from the HPMP on May 15, 2015, for failing to comply with treatment recommendations, failing to attend orientation, failing to register for the toxicology screening program, and failing to communicate with her case manager.

5. When being treated for acute pancreatitis in the summer of 2015, it was noted that Ms. McCaffrey continued to consume alcohol despite her condition. In an interview with an investigator for the Department of Health Professions on July 14, 2015, Ms. McCaffrey stated that she was unable to refrain from the use of alcohol.

6. Ms. McCaffrey also told the investigator that she was not currently employed and that she would not return to work until she was back in recovery. She stated that she could not afford to participate in the HPMP and had no plan to re-enroll in the program.

7. Ms. McCaffrey has a history of sanctions by the Board. In January 1992, the Board suspended her license due to her diversion, adulteration, and self-administration of controlled substances

from Riverside Regional Medical Center. Her license was reinstated on probation in December 1992. She was released from probation in 1996. In 2007, the Board again placed her on probation due to her diversion, adulteration, and self-administration of narcotics from Mary Immaculate Hospital. She was released from probation in 2014.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3-5 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. The right of Cynthia McCaffrey, R.N. to renew License No. 0001-107629 to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than two years.
2. The license will be recorded as suspended.
3. At such time as Ms. McCaffrey 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 nursing. Ms. McCaffrey 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 nursing.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Since Ms. McCaffrey failed to appear at the informal conference, this Order shall be considered final. Ms. McCaffrey has the right to appeal this Order directly to the appropriate Virginia circuit court.

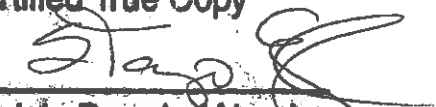
As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. McCaffrey has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

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: February 16, 2014

Certified True Copy

By 
Virginia Board of Nursing