

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

DAWN D. WELLS, R.N.

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 February 1, 2011, in Henrico County, Virginia, to inquire into evidence that Dawn D. Wells, R.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia. Ms. Wells was 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. Dawn D. Wells, R.N., was issued License No. 0001-153747 to practice professional nursing by the Virginia Board of Nursing on June 19, 1997. Said license is set to expire on April 30, 2012. Her primary state of residence is Virginia.
2. By letter dated December 30, 2012, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Wells notifying her that an informal conference would be held on February 1, 2011. The Notice was sent by certified and first class mail to 5225 Kentuck Road, Lot 26, Ringgold, Virginia 24586, the address of record on file with the Board of Nursing. The Notice was also sent to 514 Brightwells Drive, Danville, Virginia 24541, a secondary address.
3. On July 3, 2008, Ms. Wells entered a Participation Contract and on October 4, 2009, Ms. Wells entered Recovery Monitoring Contract No. 2 with the Health Practitioners’ Monitoring Program (“HPMP”), in

which she acknowledged that her substance use disorder and mental illness may impact her ability to practice safely. On December 12, 2008, Ms. Wells received a stay of disciplinary action regarding the diversion of medication referenced below. On August 9, 2010, the stay was vacated and Ms. Wells dismissed from the HPMP for noncompliance due to the following:

a. From August 17, 2009, until July 28, 2010, Ms. Wells was employed as a professional nurse at Memorial Family Care, Danville, Virginia; however, she had not been approved to return to practice.

b. From January 13, 2010, until August 3, 2010, Ms. Wells was employed as a professional nurse with Hallmark Home Health Care, Danville, Virginia. She had not been approved to return to practice nor did she report this employment to the HPMP. Further, Ms. Wells failed to inform the employer that she was being monitored by the HPMP.

c. On July 19, 2010, Ms. Wells tested positive for barbiturates after consuming Alagesic (APAP/butalbital/caffeine, Schedule III) obtained from Memorial Family Care.

4. During the course of her employment with Danville Regional Medical Center, Danville, Virginia, from September, 2007, to June, 2008, Ms. Wells diverted Lortab (hydrocodone, Schedule III) and Percocet (oxycodone, Schedule II) for her personal and unauthorized use and ingested some of the drugs while on duty.

5. On the application for employment with Hallmark Home Health Care dated January 6, 2010, Ms. Wells falsely stated that her reason for leaving Danville Regional Medical Center was to stay home with kids, when, in fact, her employment was terminated due to diversion.

6. Ms. Wells admitted to practicing nursing without authorization from the HPMP. She stated that she has not relapsed and that her sobriety date is June 7, 2008. Ms. Wells reported that she continues to attend Narcotics Anonymous meetings three times a week and that she is working on step one. Ms. Wells is currently unemployed.

CONCLUSIONS OF LAW

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

CONSENT

Dawn D. Wells, 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;
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 admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact 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. Dawn D. Wells, R.N., is hereby REPRIMANDED.

2. License No. 0001-153747 of Dawn D. Wells, R.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Wells 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. Wells 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.
5. This suspension applies to any multistate privilege to practice professional nursing.
6. This suspension shall be STAYED upon proof of entry into the HPMP and compliance with a Recovery Monitoring Contract with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Wells shall comply with all terms and conditions 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 Dawn Wells, R.N., 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. Wells is not in compliance with the terms and conditions specified by the HPMP;
 - ii. Ms. Wells' participation in the HPMP has been terminated;
 - iii. There is a pending investigation or unresolved allegation against Ms. Wells involving a violation of law, regulation, or any term or condition of this order.
7. Upon receipt of evidence of Ms. Wells' participation in and successful completion of the terms specified by the HPMP, the Committee, at its discretion, may waive Ms. Wells' appearance before the

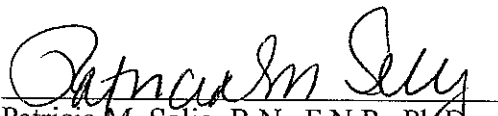
Committee, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

8. This Order is applicable to Ms. Wells' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Wells 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.

9. Ms. Wells 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


Patricia M. Selig, R.N., F.N.P., Ph.D.
President, Virginia Board of Nursing

ENTERED: 3-22-11

SEEN AND AGREED TO:

Dawn D Wells

Dawn D. Wells, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Danville, TO WIT:

Subscribed and sworn to before me, Amy Compton, a Notary Public, this 23 day of February, 2011.

My commission expires Aug 31, 2012.

Registration Number 340488

Amy Compton
NOTARY PUBLIC



Certified True Copy
By dgraham
Virginia Board of Nursing