

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AMBER BREEDEN, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-070526

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(7) and (10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on April 7, 2014, in Henrico County, Virginia, to receive and act upon Amber Breeden’s application for reinstatement of her license to practice practical nursing in Virginia and to inquire into evidence that Ms. Breeden may have violated certain laws and regulations governing practical nursing practice. Ms. Breeden was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Amber Breeden, L.P.N., was issued License No. 0002-070526 to practice practical nursing in the Commonwealth of Virginia on January 4, 2005. Said license was suspended by Order of the Board entered April 30, 2009. Ms. Breeden’s primary state of residence is Oklahoma.
2. By letter dated March 10, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Breeden notifying her that an informal conference would be held on April 7, 2014. The Notice was sent by certified and first class mail to 21466 East 360 Road, Chelsea, Oklahoma, 74016, the address of record on file with the Board of Nursing.
3. Ms. Breeden submitted an application for reinstatement of her license to practice as a practical nurse which was received by the Board on October 17, 2013.

4. Ms. Breeden has a diagnosis of dystonia, and a history of substance abuse, and previous treatment for depression and post-traumatic stress disorder.

5. Ms. Breeden voluntarily attended Brookhaven Hospital Behavioral Health Services for treatment of substance abuse from October 2, 2012 through October 11, 2012. She presented evidence of her participation in Celebrate Recovery and evidence of her 18-month recovery chip.

6. Ms. Breeden currently lives in Oklahoma and has no intention of living or working in Virginia. Ms. Breeden stated that she has resolved the personal issues related to her substance abuse and emotional difficulties and has a stable familial support system in place.

7. She reported her date of sobriety as October 17, 2012. Her drug of choice was opiates.

8. Ms. Breeden is not currently employed. However, she demonstrated a strong desire to return to the practice of nursing and to further her education in the field.

CONCLUSIONS OF LAW

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

2. The Board concludes that Ms. Breeden has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS that license of Amber Breeden is hereby REINSTATED contingent upon the following terms and conditions:

1. Ms. Breeden shall enter into the Health Practitioners' Monitoring Program ("HPMP"), pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, or equivalent program in any state in which Ms. Breeden engages in the practice of practical nursing, and shall have proof of entry into a Contract with the HPMP or equivalent program in any state in which Ms. Breeden engages in the practice of practical nursing provided to the Board within 30 days of the date this

Order is entered. Thereafter, Ms. Breeden shall comply with all terms and conditions of the monitoring program for the period specified by the program.

2. This order shall be applicable to Ms. Breeden's multistate licensure privilege, if any, to practice practical nursing. For the duration of this Order, Ms. Breeden shall not work outside the Commonwealth of Virginia pursuant to a Virginia multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Breeden wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

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

a. Ms. Breeden has failed to make application to the HPMP or equivalent program in any state in which Ms. Breeden engages in the practice of practical nursing;

b. Ms. Breeden is not in compliance with the terms and conditions of the HPMP or equivalent program in any state in which Ms. Breeden engages in the practice of practical nursing, or has been terminated from participation in the HPMP or equivalent program in any state in which Ms. Breeden engages in the practice of practical nursing;

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

d. Ms. Breeden has successfully completed the above-referenced period of participation in the HPMP or equivalent program in any state in which Ms. Breeden engages in the practice of practical nursing. However, upon receipt of Ms. Breeden's participation in and compliance with the HPMP or

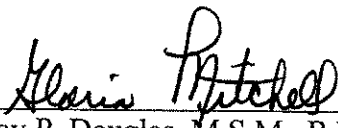
equivalent program in any state in which Ms. Breeden engages in the practice of practical nursing, the Board, at its discretion, may waive Ms. Breeden's appearance before the Board and conduct an administrative review of this matter.

4. Ms. Breeden shall maintain a course of conduct in her capacity as a practical 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 on request.


Pursuant to Section 54.1-2400(10) of the Code, Ms. Breeden may, not later than 5:00 p.m., on **June 9, 2014**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

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

ENTERED: *May 7, 2014*

This Order shall become final on **June 9, 2014**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing