

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

AMBER BREEDEN, L.P.N.

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on November 18, 2009, in Henrico County, Virginia, to inquire into evidence that Amber Breeden, L.P.N., may have violated certain laws and regulations governing practical nursing in Virginia. The case was presented by LaRhonda J. Carter, Adjudication Specialist, Administrative Proceedings Division. Ishneila Moore, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Breeden was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted 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 expired on April 30, 2009. Ms. Breeden was issued Certificate No. 1401-093470 to practice as a nurse aide in the Commonwealth of Virginia on July 20, 2002. Said certificate expired on July 31, 2004.

2. Based upon the representations of LaRhonda J. Carter, Adjudication Specialist, and Commonwealth's Exhibit # 1, the Notice of Formal Hearing, and Commonwealth's Exhibit # 2, the Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to Ms. Breeden and the hearing proceeded in her absence.

3. On June 3, 2008, Ms. Breeden fraudulently obtained and filled a prescription for Vicodin (hydrocodone/acetaminophen – Schedule III) for her personal use.

4. On March 31, 2008, Ms. Breeden fraudulently obtained and filled a prescription for narcotics for her personal use.

CONCLUSIONS OF LAW

The Board concludes that:

Findings of Fact Nos. 3 and 4 constitute violations 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.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The right of Amber Breeden, L.P.N., to renew License No. 0002-070526 to practice practical nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

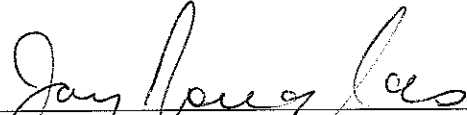
2. The license of Amber Breeden, L.P.N., will be recorded as SUSPENDED. Should Ms. Breeden seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

3. At such time as Ms. Breeden shall petition the Board for reinstatement of her license, a hearing will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

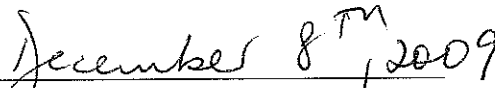
4. This Order shall be applicable to Ms. Breeden's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia.

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 BOARD



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



ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.