

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AMY WETHERHOLT, R.N.
License No.: 0001-202239

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 15, 2012, in Henrico County, Virginia, to inquire into evidence that Amy Wetherholt, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Olivia Exterovich, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Wetherholt was 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. Amy Wetherholt, R.N., was issued License Number 0001-202239 to practice professional nursing in the Commonwealth of Virginia on July 12, 2006. Said license is scheduled to expire on July 31, 2013. Virginia is her primary state of residence.
2. During the course of her employment with Carilion Clinic Roanoke Memorial Hospital, Roanoke, Virginia, Ms. Wetherholt practiced as a professional nurse in the resource pool. At the formal hearing, Ms. Wetherholt stated that on the evening of November 30, 2011, she was not feeling well; however, she needed to work for financial reasons and reported late for her shift. Her coworkers reported that during the shift Ms. Wetherholt exhibited signs of impairment including being unsteady on her feet, slow speaking, and an inability to stay awake while performing patient care. Ms. Wetherholt denied being impaired on duty, stating that she

would never endanger patients. On December 23, 2011, Ms. Wetherholt was required to submit to a drug screen and thereafter resigned during the investigation of her administration of pain medications.

3. After several years of treatment with her primary care physicians for her provisional diagnosis of multiple sclerosis, in July 2011, Ms. Wetherholt was referred to John Rhodes, PA, of Comprehensive Pain Management, Roanoke, Virginia, by Julie Gearhart, FNP, in an effort to effectively manage Ms. Wetherholt's chronic musculoskeletal pain and weakness. Upon evaluation by Mr. Rhodes, Ms. Wetherholt's diagnoses were chronic pain syndrome, cervical facet syndrome, lumbar facet syndrome, rule out cervicogenic headaches, polyarthralgia, peripheral neuropathy, rule out autoimmune and neurological diseases (under work up and care of her primary care physician). On October 13, 2011, Ms. Wetherholt tested positive for methadone and oxycodone, for which she did not have a prescription, and for Tramadol, which had been discontinued at an earlier appointment. As a result of the positive drug screen, Ms. Wetherholt was dismissed from the pain management program. To date, Ms. Wetherholt has not undergone any diagnostic test to confirm the provisional multiple sclerosis diagnosis.

4. Following her resignation from Carilion Clinic Roanoke Memorial Hospital, Ms. Wetherholt worked in a managerial position with a nursing home from January through July, 2012 and also as a traveling nurse. Ms. Wetherholt testified that her employment in both positions was terminated based upon her employers' knowledge of the pendency of this matter. Ms. Wetherholt testified that there were no practice issues with these employers. She is currently unemployed.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact Nos. 2-3 constitute a violation of §54.1-3007(6) of the Code.

ORDER

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

1. The Board shall TAKE NO ACTION at this time, contingent upon Ms. Wetherholt's compliance with the following terms and conditions:

a. Amy Wetherholt, R.N., shall have a substance abuse evaluation by an addictionologist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within 90 days after the date that this Order is entered. Ms. Wetherholt shall also have a physical evaluation by a neurologist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of treatment, prognosis, and any recommendations sent to the Board within 90 days after the date that this Order is entered. Upon receipt of the required information, the Board shall notice Ms. Wetherholt to appear before a Special Conference Committee in order to consider the specialists' recommendations and to make a final disposition of the matter.

b. Ms. Wetherholt 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.

2. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Wetherholt and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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

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

December 6, 2012
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, Henrico, 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.

Certified True Copy
By *agraham*
Virginia Board of Nursing