

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: AUTUMN WHITT, L.P.N.
 License No.: 0002-079186**

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 January 16, 2014, in Henrico County, Virginia. Autumn Whitt, L.P.N., was not present nor was she represented by legal counsel. Jane Elliott, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Whitt 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. Autumn L. Whitt, L.P.N., was issued License No. 0002-079186 to practice practical nursing in Virginia on October 1, 2008. The license is scheduled to expire on November 30, 2014. Ms. Whitt's primary state of residence is Virginia.

2. By letter dated December 18, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Whitt notifying her that an informal conference would be held on January 16, 2014. The Notice was sent by certified and first class mail to P.O. Box 2126, Clintwood, Virginia, 24228, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was signed by T. Whitt and returned to the Board office on December 30, 2013. The Notice sent via

first-class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Whitt and the informal conference proceeded in her absence.

3. Ms. Whitt reported to the Board that she was hospitalized at the Laurels Recovery Center from August 22, 2013, through August 31, 2013, for detoxification from alcohol abuse, opiate abuse, and methamphetamine abuse.

4. Following her self report to the Board, Ms. Whitt did not respond to the Department of Health Professions' investigator's attempts to contact her in connection with the Board's investigation.

5. Ms. Whitt was not enrolled in the Health Practitioners' Monitoring Program at the time of the informal conference. There is no evidence regarding Ms. Whitt's current treatment or employment status. Ms. Whitt is currently awaiting trial on charges of manufacturing methamphetamines and conspiracy to manufacture methamphetamines.

6. A review of Ms. Whitt's Prescription Monitoring Report revealed that from October 2010 through August 2013, Ms. Whitt obtained multiple prescriptions for oxycodone and hydrocodone, which were prescribed by eight different physicians and filled at five different pharmacies.

7. On September 19, 2012, during the course of her employment with Heritage Hall, Clintwood, Virginia, Ms. Whitt left the unit for approximately 90 minutes and could not be located. Her employment was terminated on October 4, 2012.

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. 7 constitutes a violation of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-079186 of Autumn Whitt, L.P.N., to practice practical nursing is INDEFINITELY SUSPENDED for a period of not less than two years.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Whitt 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 practical nursing. Ms. Whitt 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 practical 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. Whitt failed to appear at the informal conference, this Order shall be considered final. Ms. Whitt 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. Whitt 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, R.N., M.S.M., C.S.A.C., 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 *Glenn Mitchell*
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

Entered: *April 3, 2014*