

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

PEAR GETTYS, R.N.

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on June 16, 2009, in Henrico County, Virginia, to inquire into evidence that Pear Gettys, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. Ms. Gettys was present and was not represented legal counsel. Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Pear Gettys, R.N., was issued License No. 0001-196901 to practice professional nursing in the Commonwealth of Virginia on July 12, 2005. Said license expired on February 5, 2009, due to the Nurse Licensure Compact and Ms. Gettys changing her primary state of residence to South Carolina.

2. During the course of Ms. Getty’s employment with Chesapeake Regional Medical Center, Chesapeake, Virginia (“Chesapeake Regional”), from September, 2008, until October, 2008, she diverted Percocet (oxycodone/acetaminophen, schedule II), for her own personal and unauthorized use, as demonstrated by the following:

a. Ms. Gettys withdrew Percocet from the Pyxis machine for a patient, but documented in the patient’s nurses’ notes that she administered morphine (schedule II) to the patient.

b. Ms. Gettys withdrew Percocet from the Pyxis machine for several patients, but she either failed to document administration of the medication, or whether the patients were experiencing pain, or she documented that the patients were asleep or denied experiencing pain.

c. Ms. Gettys withdrew Percocet from the Pyxis machine for a patient, but attempted to administer another medication instead of Percocet to the patient. She failed to document administration of the medication or whether the patient was experiencing pain, at that time, in the nurses' notes.

d. Ms. Gettys withdrew the medications after a patient was discharged, and failed to document administration of the medication in the patient's Medication Administration Record ("MAR").

e. Ms. Gettys withdrew medication before a patient was due to have it, and failed to document administration of the medication in the patient's MAR or nurses' notes.

3. At the informal conference, Ms. Gettys maintained that she was prescribed Ambien (zolpidem tartrate, schedule IV) during her employment with Chesapeake Regional and did not recall whether she diverted the medications. Her employment was terminated as a result of her actions.

4. Ms. Gettys is unable to safely practice as a professional nurse due to substance abuse and/or dependence and/or mental illness, as demonstrated by the following:

a. In an interview with a Department of Health Professions investigator, on November 15, 2008, Ms. Gettys stated that she thought it was possible that she took Percocet from Chesapeake Regional.

b. By her own admission, on October 6, 2008, Ms. Gettys attempted to harm herself by taking several medications at one time, after she was involved in a motor vehicle accident, but could not remember details of the accident.

c. Ms. Gettys acknowledged her possible impairment in a Participation Contract with the

Virginia Health Practitioners' Intervention Program ("HPIP") dated November 7, 2008, and in a Participant Monitoring Agreement with the South Carolina Recovering Professional Program, dated December 12, 2008.

5. Ms. Gettys disclosed at the informal conference that she was involved in an automobile accident in 2006 and suffered from post traumatic stress disorder, but failed to obtain counseling. She admitted that she later began to abuse pain medications. Ms. Gettys also disclosed at the informal conference that she attempted to take her life in October, 2008, because she had difficulty dealing with life stressors.

6. Ms. Gettys reported her date of sobriety as November 15, 2008. She completed an intensive outpatient program and was in continuing care. She also stated that she attended weekly Narcotics Anonymous meetings, had a sponsor and was on step five in the program.

7. An HPIP representative reported at the informal conference that Ms. Gettys signed a Recovery Monitoring Contract with HPIP on May 11, 2009. The representative stated that Ms. Gettys was compliant with HPIP as well as the South Carolina Recovery Professional Program requirements. The HPIP representative further stated that Ms. Gettys was primarily monitored through the South Carolina Recovery Professional Program and that HPIP intended to be a secondary monitor for Ms. Gettys.

8. At the informal conference Ms. Gettys reported that she relocated to South Carolina and was previously issued a temporary license to practice professional nursing in that state, which expired on June 16, 2009. According to Ms. Gettys, full licensure in South Carolina was pending resolution of this matter in Virginia.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2(a-e) constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 4 (a-c) constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS that it shall TAKE NO ACTION at this time, contingent upon Pear Gettys' compliance with the following terms and conditions:

1. Pear Gettys, R.N., shall continue to comply with all terms and conditions of the Recovery Monitoring Contract ("Contract") with the HPIP for the period specified in the Contract and Ms. Gettys shall continue to comply with the terms and conditions of the Participant Monitoring Agreement with the South Carolina Recovering Professional Program ("RPP").

2. This order shall be applicable to Ms. Gettys' multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Gettys shall not work outside 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 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 Pear Gettys, R.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Gettys shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Gettys is not in compliance with the terms and conditions of the HPIP and/or RPP, or has been terminated from participation in the HPIP and/or RPP;

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

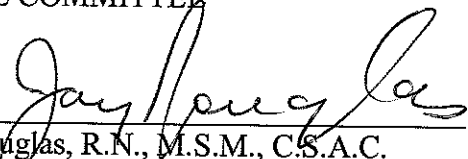
c. Ms. Gettys has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Gettys' participation in and compliance with the HPIP, the Board,

at its discretion, may waive Ms. Gettys' appearance before the Board and conduct an administrative review of this matter.

4. Ms. Gettys 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 on request.

FOR THE COMMITTEE



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

ENTERED:

November 20, 2009

NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.