

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: STEPHANIE MARTIN, R.N.
License No.: 0001-185694
Case No.: 148201

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 June 13, 2013, in Henrico County, Virginia. Ms. Martin was present and was represented by Michael Goodman, Esquire, and Eileen Talamante, Esquire. Janet Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 18, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Martin 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. Stephanie Martin, R.N., was issued License No. 0001-185694 to practice professional nursing in Virginia on June 26, 2003. The license is scheduled to expire on June 30, 2014. Her primary state of residence is Virginia.
2. By letter dated April 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Martin notifying her that an informal conference would be held on May 8, 2013. The Notice was sent by certified and first class mail to 1930 Sweathouse Creek Road, Amelia Court House, Virginia 23002, the address of record on file with the Board of Nursing. On April 22, 2013, a letter was mailed to Ms. Martin at her same address of record and her attorney granting a continuance of the

informal conference and notifying her that the informal conference would be held on June 13, 2013.

3. On December 18, 2012, during the course of Ms. Martin's employment with CJW Medical Center, Richmond, Virginia:

a. Ms. Martin was impaired while on duty, as evidenced by the following: she was vomiting, lethargic, and confused, with slurred speech and illegible handwriting. Although a urine drug screen obtained that day was negative, a condom containing urine was later found in her underclothing.

b. Although she denied drug diversion or impairment on duty, several hospital vials containing fentanyl (Schedule II), syringes, and a needle were found in Ms. Martin's underclothing as she was being escorted to the emergency room and as she was changing into a hospital gown on this date.

4. At the informal conference, Ms. Martin only admitted to sub-standard handling of opioids, needles, and a sharps container. Ms. Martin claimed that during a self-orientation on a unit to which she had not been assigned, she was discovered reaching into a sharps container. Ms. Martin stated that she was retrieving a lipstick she had accidentally dropped into the sharps container.

5. Ms. Martin's employment was terminated at CJW Medical Center in December, 2012. She had previously worked for a travel nursing company, Nightingale Services, but her contract was terminated as her documentation was substandard and her attendance had been erratic. Ms. Martin had also worked briefly for Amedysis Home Health but was terminated due to unsatisfactory performance. She also worked for Golden Living Center, a nursing facility, from March-August, 2012, but she resigned abruptly.

6. Ms. Martin reported health problems including a gastrointestinal problem. She has seen several doctors and been placed on various medications. She has recently lost 10 pounds from

minimal eating.

7. At the informal conference, Ms. Martin acknowledged previous treatment for anxiety and depression.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-195694 of Stephanie Martin, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Martin 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 professional nursing. Ms. Martin 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 professional nursing.
5. This suspension shall be STAYED upon proof of entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Martin shall comply with all terms and conditions for the period specified

by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Martin, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

- i. Ms. Martin is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Martin's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Martin involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Martin's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Martin's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.


7. This Order is applicable to Ms. Martin's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Martin shall not work outside of 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 Ms. Martin wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Ms. Martin 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 § 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Martin may, not later than 5:00 p.m., on October 28, 2013, notify 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, 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 BOARD:



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

ENTERED: September 24, 2013

This Order shall become final on October 28, 2013, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing