

VIRGINIA:

BEFORE THE VIRGINIA STATE BOARD OF NURSING

IN RE:        LETHIA B. WALSTON, R.N.

CONSENT ORDER

After an Informal Conference held on October 9, 1986, pursuant to §§ 9-6.14:11 and 54-367.33:2 of the Code of Virginia (1950), as amended, which conference was properly noticed and attended by the parties hereto, the Virginia State Board of Nursing (the Board ) and Lethia B. Walston, R.N., enter into the following Consent Order.

FINDINGS OF FACT

1. Lethia B. Walston, R.N., holds License No. 0001-062416 issued by the Virginia State Board of Nursing.
2. On or about May 20, 1986, Lethia B. Walston was indicted by the Grand Jury in York County of feloniously obtaining a certain Schedule III controlled substance to-wit: Fiorinal #3, 30 mg units by uttering a false or forged prescription.
3. On divers occasions, from on or about September, 1985, to on or about April 21, 1986, while employed at Newport News General Hospital, Newport News, Virginia, by her own admission, forged approximately five (5) prescriptions for a certain Schedule III controlled substance to-wit: Fiorinal #3 for her own unauthorized use and uttered and unlawfully obtained the prescriptions.

4. On or about April 4, 1986, by her own admission, forged a prescription for a certain Schedule IV controlled substance to-wit: Amoxicillin. She obtained and administered same to her son for his unauthorized use.

5. By her own admission, on divers occasions, she would ingest as many as nine (9) to twelve (12) capsules of a certain Schedule III controlled substance to-wit: Fiorinal #3 during the day; two (2) to six (6) during an eight hour work shift.

6. By her own admission, from on or about May 5, 1986 to on or about June 4, 1986, she was in treatment at Peninsula Hospital for chemical dependency and completed the fourteen week aftercare program.

#### CONCLUSIONS OF LAW

The Board concludes that Findings of Fact 2 through 6 constitute violation of §§ 54-367.32 (f), (h) and (i) of the Code of Virginia (1950), as amended and 8.1b(7), 8.1d and 8.1e of the Board of Nursing Regulations.

#### CONSENT

Lethia B. Walston, R.N., by affixing her signature hereon, agrees to the following:

1. She acknowledges that she has been specifically advised to seek the advice of counsel prior to signing this document;

2. She acknowledges that she is fully aware that without her consent, no legal action can be taken against her, except

pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia (1950), as amended;

3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against her;

4. She waives all such rights to a formal hearing;

5. She admits to the above Findings of Fact; and

6. She consents to the entry of the following Order affecting her license to practice nursing in the Commonwealth of Virginia.

#### ORDER

On the basis of the foregoing, the Virginia State Board of Nursing, effective upon entry of this Order, hereby ORDERS that License No. 0001-062416, issued to Lethia B. Walston, R.N., to practice nursing in the Commonwealth of Virginia be placed on PROBATION with the following terms and conditions:

1. The probationary period shall commence on the date of entry of this Order and will end upon completion of two (2) years of actual nursing practice.

2. Ms. Walston shall notify the Board of any change of address.

3. Ms. Walston shall inform the Board of the date she resumes practice and will provide the Board with the name and

address of the employer. Ms. Walston also agrees to inform the Board of any change of employment or any interruption in nursing practice.

4. Ms. Walston shall inform her employer and any prospective employer that the Board has placed her license on probation and further consents to the release of information by the Board that said probation is due to substance abuse and prescription fraud.

5. Ms. Walston shall direct her employer to submit a nursing performance evaluation to the Board every three months, the first evaluation to be submitted the third month following the beginning of employment and continuing every three months until the cessation of probation.

6. Ms. Walston shall direct her therapist at Peninsula Hospital to provide the Board with a report to include her diagnosis, recommended course of therapy, prognosis and a discharge summary.

7. Ms. Walston shall continue active participation in Alcoholics Anonymous and Narcotics Anonymous.

8. Ms. Walston shall abstain from the use of alcohol and all mood altering chemicals. Should Ms. Walston be prescribed any controlled substances, a written report from the prescribing physician should be submitted to the Board within ten (10) days of the prescribing thereof.

9. Ms. Walston shall provide the Board with certified copies of all court actions.

10. Should Ms. Walston be placed on probation by the Court, she shall request her probation officer to provide the Board with a report of her adherence to the conditions of her probation, the first report to be submitted not later than six months from the date of entry of this Order and continuing every six months thereafter until termination of probation.

11. Ms. Walston shall return all copies of her current license to practice professional nursing to the Board office within ten days of the date of entry of this Order. Upon receipt of \$10.00 and the old license, the Board shall issue a new license marked PROBATION WITH TERMS.

11. Ms. Walston shall maintain a course of conduct in her capacity as a Registered Nurse commensurate with the requirements of Title 54, Chapter 13.1 of the Code of Virginia (1950), as amended, and the Regulations of the State Board of Nursing.

Violations of the terms and conditions hereof shall constitute grounds for the revocation of the license of Lethia B. Walston, R.N. In the event that she violates any of the terms and conditions hereof or any other provision of the Law, a hearing shall be convened to determine whether the license of Lethia B. Walston shall be revoked.

FOR THE BOARD

Elnora D. Daniel

Elnora D. Daniel, R.N., EdD.  
President

Entered: 2/20/87

Seen and Agreed to:

Lethia B. Walston, R.N.  
Lethia B. Walston, R.N.

Subscribed and sworn to before me J. Carol Ishler  
a Notary Public in and for the City/  
County of New Kent, Commonwealth of Virginia,  
by Lethia B. Walston, R.N., this 20<sup>th</sup> day of  
January, 1987.

My commission expires: My Commission Expires March 2, 1990

J. Carol Ishler  
Notary Public

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