

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**MAUREEN E. POWELL, R.N.
License No.: 0001-193854**

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 October 15, 2012, in Henrico County, Virginia, to inquire into evidence that Maureen E. Powell, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. Ms. Powell was not present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Maureen E. Powell, R.N., was issued License No. 0001-193854 to practice professional nursing in the Commonwealth of Virginia on December 8, 2004. Said license expires on December 31, 2013. Ms. Powell holds License No. 70798 to practice professional nursing in the State of Tennessee, which expired on December 31, 2005, and License No. RN1836052 to practice professional nursing in Florida, which expired on April 30, 1997. Her primary state of residence is Virginia. By Consent Order of the Virginia Board of Nursing entered May 22, 2009, Ms. Powell was assessed a monetary penalty for practicing without a valid license from January 1, 2008 to December 30, 2008.

2. By letter dated September 13, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Powell notifying her that an informal conference would be held on October 15, 2012. The Notice was sent by certified and first class mail to 2814 Kay Street, Hopewell, Virginia 23860, the address of record on file with the Board of Nursing. The Notice sent by certified mail was returned to the Board marked

“unable to forward.” The Notice sent by first class mail was not returned. The Committee Chair concluded that adequate notice was provided to Ms. Powell and the informal conference proceeded in her absence.

3. During the course of her employment with John Randolph Medical Center, Hopewell, Virginia, on January 20, 2011, Ms. Powell acknowledged diverting narcotics on several occasions during the previous year, for her personal and unauthorized use. Subsequently, Ms. Powell’s employment was terminated.

4. On February 5, 2011, Ms. Powell entered the Health Practitioners’ Monitoring Program (“HPMP”) due to substance abuse and mental illness. On July 20, 2012, Ms. Powell was dismissed from the program due to noncompliance. Specifically, Ms. Powell failed to call the drug screen test line on approximately six occasions between April 26, 2011 and May 17, 2012. Ms. Powell also failed to insure that the quarterly psychiatric report for the March through May 2012 reporting period was submitted.

5. The HPMP reported that on October 13, 2011, Ms. Powell regained employment at John Randolph Medical Center and that as of June 28, 2012, she remained employed there.

6. During an interview with an investigator from the Department of Health Professions, Ms. Powell reported that she attends 12-step meetings and Caduceus meetings on a regular basis. Ms. Powell’s sponsor was also interviewed, and confirmed that she meets with Ms. Powell in-person two times a month at Caduceus meetings and speaks to her by phone twice a week.

CONCLUSIONS OF LAW

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

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Maureen E. Powell, R.N., is hereby REPRIMANDED.
2. Ms. Powell shall be placed on PROBATION for six months of actual nursing practice subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Powell has completed six months of active employment as a professional nurse. The license of Ms. Powell shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.
 - b. Ms. Powell shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Powell shall provide the name and address of each employer to the Board.
 - c. Ms. Powell shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Powell is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
 - d. Performance Evaluations shall be provided, at the direction of Ms. Powell, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.
 - e. Ms. Powell shall practice nursing only in a structured /supervised employment setting satisfactory to the Board for the first six months after being placed on probation. This employment setting shall

provide on-site supervision by a professional nurse who works the same shift, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Powell shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

f. Ms. Powell shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

g. Ms. Powell shall be required to have one supervised, unannounced random drug screen a month, from a Board approved testing entity, which includes testing for alcohol and the following drug of choice: opiates and benzodiazepines. Ms. Powell shall ensure that the first set of results is received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. Powell refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

h. Ms. Powell shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

i. Ms. Powell shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in

employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

j. Ms. Powell shall return all copies of her license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order, along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

2. Ms. Powell 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 Regulations Governing the Practice of Nursing.


3. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five (5) years of the date of entry of the Order, shall be reason for suspending or revoking the license of Maureen E. Powell, R.N., and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

4. This Order is applicable to Ms. Powell's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Powell 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 she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Powell may, not later than 5:00 p.m., on December 21, 2012, notify Jay P. Douglas, 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 COMMITTEE:


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

ENTERED: November 19th, 2012

This Order shall become final on December 21, 2012 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing