

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: DARLA STEELE, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-063597**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on July 16, 2014, in Henrico County, Virginia, to receive and act upon Darla Steele's application for reinstatement of her license to practice practical nursing in Virginia and to inquire into evidence that Ms. Steele may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Steele was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Darla S. Steele was issued License No. 0002-063597 to practice as a practical nurse on May 1, 2002. Said license was mandatorily suspended by the Department of Health Professions on March 13, 2014. Ms. Steele's primary state of residence is Virginia.
2. On March 27, 2012, the Board entered an Order for a chemical dependency evaluation of Ms. Steele. The evaluation, which was received by the Board in July 2012, diagnosed her as "opioid dependent."
3. On December 4, 2012, the Board entered an Order taking no action against Ms. Steele. Term No. 1 of this Order stated that this action was contingent upon her entry into and compliance with the terms of the Health Practitioners' Monitoring Program ("HPMP").

4. Ms. Steele signed a Participation Contract with the HPMP in March 2013, in which she acknowledged her history of substance abuse.

5. On February 19, 2014, Ms. Steele was convicted in the City of Chesapeake, Virginia, Circuit Court of Prescription Fraud-Forgery, a felony. This conviction formed the basis of the mandatory suspension of her license.

6. Ms. Steele submitted an application for the reinstatement of her license to practice practical nursing, which was received by the Board on May 9, 2014.

7. On her application for reinstatement:

a. Ms. Steele failed to disclose her employment with Interim Healthcare, Virginia Beach, Virginia, where she was employed from October 2012 through May 2014, and which was terminated for her failure to disclose her felony conviction for prescription fraud and the mandatory suspension of her license to practice practical nursing.

b. Ms. Steele falsely stated the dates of her employment with Maxim Healthcare as 2010 through 2013, although she was actually employed with Maxim from March 2010 to April 2010.

c. Ms. Steele answered NO to the question asking whether she had any mental, physical or chemical dependency condition which could interfere with her current ability to practice nursing, although a Board-ordered chemical dependency evaluation received by the Board on July 24, 2012, diagnosed Ms. Steele as opioid dependent, Ms. Steele admitted to changing the date of a prescription written for her for oxycodone (Schedule II) in 2011, and she entered the Health Practitioners' Monitoring Program in March 2013, acknowledging a history of substance abuse.

8. Between March 13, 2014, the date her license was mandatorily suspended, and May 16, 2014, Ms. Steele practiced practical nursing without a valid license.

9. On May 6, 2014, Ms. Steele was observed by her supervisor to be sleeping while on duty in the home of a client, which she acknowledged was due to the impairing side effects of medication she had

taken. The client suffered from a spontaneous seizure disorder and had a care plan that called for constant supervision of the client. The supervisor had difficulty rousing Ms. Steele from her slumber.

10. Ms. Steele was urgently dismissed from the HPMP on October 30, 2013, for noncompliance, including accepting employment without HPMP approval.

11. Ms. Steele continues to use prescribed narcotics. Ms. Steele testified that she has been physically dependent on opioids since 2009, but she does not believe she is addicted. She stated that she does not believe she could cease taking the pain medication.

12. Ms. Steele apologized to the Board for her previous errors but did not provide information that demonstrated safety to practice.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(4) of the Code.
3. Findings of Fact Nos. 7(a) through 7(c) constitute violations of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing ("Regulations").
4. Finding of Fact No. 8 constitutes a violation of §§ 54.1-3007(3) and 54.1-3008(A)(2) and (5) of the Code.
5. Finding of Fact No. 9 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.
6. Finding of Fact No. 10 constitutes a violation of Term No. 1 of the Board's December 4, 2012, Order.
7. Ms. Steele has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

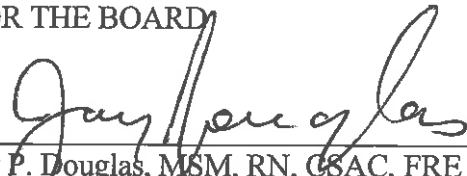
1. The application of Darla Steele for reinstatement of License No. 0002-063597 to practice practical nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Ms. Steele be CONTINUED on INDEFINITE SUSPENSION. At such time as she shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

2. The license shall be recorded as suspended.

3. This Order shall be applicable to Ms. Steele's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia.

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 BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

August 27th

ENTERED

Certified True Copy
By draham
Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.