

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Darla S. Steele, who, prior to its suspension by the Board of Nursing on March 13, 2014, held License No. 0002-063597 to practice practical nursing in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on July 16, 2014, at 11:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Steele will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Steele has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Steele desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Steele’s application for reinstatement of her license to practice practical nursing in Virginia, which was mandatorily suspended by the Board on March 13, 2014, to inquire into evidence that Ms. Steele may have violated certain laws and regulations governing practical nursing practice in Virginia, and to inquire into evidence that she may have violated certain terms and conditions imposed on her as set forth in the Order of the Board entered on December 4, 2012 (“Board’s Order”), as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Steele, as the petitioner, to demonstrate that she is capable of resuming the safe and competent practice of practical nursing in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Steele's license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Darla S. Steele, L.P.N Reinstatement Applicant, may have violated § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing in that on her May 9, 2014, application for reinstatement of her license to practice practical nursing:

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.

2. Ms. Steele may have violated §§ 54.1-3007(3) and 54.1-3008(A)(2) and (5) of the Code in that following the March 13, 2014, mandatory suspension of her license to practice nursing, she intentionally

practiced practical nursing without a license between about March 14, 2014, and May 16, 2014, during the course of her employment with Interim Healthcare.


3. Ms. Steele may have violated § 54.1-3007(4) of the Code in that on or about February 19, 2014, Ms. Steele was convicted in the City of Chesapeake, Virginia, Circuit Court of Prescription Fraud-Forgery, a felony.

4. Ms. Steele may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that during the course of her employment with Interim Healthcare, Virginia Beach, Virginia, on or about May 6, 2014, she was observed to be sleeping while on duty in the home of a client, which she acknowledged was due to impairing side effects of medication she had taken.

5. Ms. Steele may be in violation of § 54.1-3007(6) of the Code and Term No. 1 of the Board's Order, which required her to comply with all terms and conditions of the Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP, in that she was urgently dismissed from the HPMP on October 30, 2013, for noncompliance, including failing to attend orientation, begin toxicology screening, or sign a Recovery Monitoring Contract, and for accepting employment without HPMP approval.

6. Ms. Steele may be in violation of § 54.1-3007(6) of the Code in that she may be unable to safely practice practical nursing due to substance abuse, as evidenced by her March 6, 2013, Participation Contract with the HPMP, in which she acknowledged a history of substance abuse and her ongoing use of prescribed narcotics.

FOR THE BOARD


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

ENTERED: July 3rd, 2014