

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MARY V. COOKE, R.N.
License No.: 0001-097676**

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 March 10, 2015 in Henrico County, Virginia. Ms. Cooke was present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 20, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Cooke was present and was not 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. Mary V. Cooke, R.N. was issued License No. 0001-097676 to practice professional nursing in Virginia on August 26, 1985. The license is scheduled to expire on August 31, 2016. Ms. Cooke's primary state of residence is Virginia.
2. By letter dated January 23, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Cooke notifying her that an informal conference would be held on March 10, 2015. The Notice was sent by certified and first class mail to 396 Spratley Mill Road, Dendron, Virginia 23839, the address of record on file with the Board of Nursing.
3. On May 23, 2014, Ms. Cooke was voluntarily admitted to Poplar Springs Hospital, Petersburg, Virginia, where she received inpatient treatment for depression, anxiety, panic disorder, and

post-traumatic stress disorder. Ms. Cooke was discharged on May 30, 2014 with discharge diagnoses of generalized anxiety disorder and panic disorder with agoraphobia.

4. Despite making aftercare appointments to take place after her May 30, 2014 discharge from Poplar Springs, Ms. Cooke received no mental health treatment or medication from May 30, 2014 through February, 2015. Ms. Cooke has not taken any psychotropic medication since May 30, 2014. At the informal conference, Ms. Cooke stated that she prefers not to take any medications. Ms. Cooke began seeing a therapist in February 2015. At the informal conference, Ms. Cooke stated that she had seen the therapist weekly since late February 2015.

5. Ms. Cooke's therapist diagnosed her with numerous, serious psychiatric disorders. In his letter to the Board dated March 4, 2015, Ms. Cooke's therapist stated that he may recommend psychotropic medication if Ms. Cooke's progress with therapy is found to be limited.

6. Since May 2011, Ms. Cooke worked as a nurse for eight different employers. Ms. Cooke has had 18 jobs since 1987. Ms. Cooke resigned or left employment without notice from several positions. At the informal conference, Ms. Cooke stated she would get "burnt out" trying to "pick up slack" from her coworkers and that she does not work when she does not feel she can.

7. Ms. Cooke has not worked since February 2014. At the informal conference, Ms. Cooke stated that she was currently not ready to return to practice. Further, Ms. Cooke said she would not return to practice until she and her therapist agreed she was ready.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-097676 of Mary Cooke, R.N. is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Cooke 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 nursing. Ms. Cooke 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 of professional nursing.
5. This suspension shall be STAYED upon proof of entry into the HPMP and compliance with a Recovery Monitoring Contract 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. Cooke 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. Cooke, 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. Cooke is not in compliance with the terms and conditions specified by the HPMP;
 - ii. Ms. Cooke's participation in the HPMP has been terminated;
 - iii. There is a pending investigation or unresolved allegation against Ms. Cooke involving a violation of law, regulation, or any term or condition of this order.
6. Upon receipt of evidence of Ms. Cooke's participation and successful completion of

the HPMP, the Board, at its discretion, may waive Ms. Cooke'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. Cooke's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Cooke 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. Cooke wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Ms. Cooke 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. Cooke may, not later than 5:00 p.m., on July 8, 2015, notify Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/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:

for *Kelena Mitchell-Lively*
Jay P. Douglas, MSM, RN, CSAC, FRR
Executive Director
Virginia Board of Nursing

ENTERED: *June 5, 2015*

This Order shall become final on July 8, 2015 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *dgraham*
Virginia Board Of Nursing