

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: AMY WETHERHOLT, R.N.
 License No.: 0001--202239**

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 March 19, 2014, in Henrico County, Virginia, to inquire into evidence that Amy Wetherholt, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia, and to inquire into evidence that Ms. Wetherholt may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on December 6, 2012. The case was presented by Amanda E. M. Blount, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Wetherholt was not 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. Amy Wetherholt, R.N., was issued License No. 0001-202239 to practice professional nursing by the Virginia Board of Nursing on July 12, 2006. On December 6, 2012, the Board entered an Order ("Board's Order"), which took no action against Ms. Wetherholt contingent upon her receiving two evaluations, and her compliance with the specialists' recommendations. This action was based on Ms. Wetherholt's possible impairment at her place of employment and physical illness. Ms. Wetherholt's license was subsequently summarily suspended by Order of the Board entered February 18, 2014. Her primary state of residence is Virginia.

2. Based upon the representations of Amanda E. M. Blount, Adjudication Specialist, and

Commonwealth's Exhibits #1 and #3, the Notice of Formal Hearing and Statement of Particulars, and the Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to Ms. Wetherholt and the hearing proceeded in her absence.

3. Term 1(a) of the Board's Order required that Ms. Wetherholt have an evaluation by an addictionologist and a neurologist, approved by the Board, within 90 days of entry of the Order. The evaluations were due to the Board on March 6, 2013. On March 1, 2013, Ms. Wetherholt requested and was granted an extension until April 30, 2013, to obtain the evaluations. Ms. Wetherholt stated in her request for an extension that the earliest appointment she could obtain to see a neurologist was April 1, 2013. On April 29, 2013, Ms. Wetherholt requested a second extension, which was denied by the Board. Ms. Wetherholt failed to submit any of the required evaluations to the Board.

4. On several occasions between June 15, 2013, and September 6, 2013, Ms. Wetherholt either obtained or attempted to obtain fraudulent prescriptions for various Schedule II and Schedule III medications, including amphetamine salts (Schedule II), morphine sulfate (Schedule II), oxycodone hydrochloride (Schedule II), and hydrocodone/APAP (Schedule III) at various pharmacies. Ms. Wetherholt used a prescription pad and signature stamp that she stole from an employer to obtain or attempt to obtain the medications.

5. Special Agent Findley with the Virginia State Police testified to the Board that criminal indictments were pending against Ms. Wetherholt in Roanoke County related to the prescription fraud described in Finding of Fact No. 4.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of Term 1(a) of the Board's Order entered on December 6, 2012.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (3), (5), and (6) of the Code and

18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

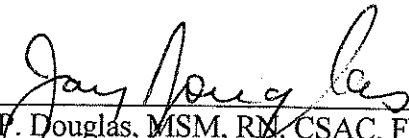
ORDER

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

1. Amy Wetherholt, R.N., is hereby REPRIMANDED.
2. License No. 0001-202239 issued to Amy Wetherholt, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby CONTINUED on INDEFINITE SUSPENSION.
3. The license will be recorded as SUSPENDED and no longer current. Should Ms. Wetherholt seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice. At such time as Ms. Wetherholt 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 professional nursing.
4. This Order shall be applicable to Ms. Wetherholt's multistate licensure privileges, if any, to practice professional nursing.

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, RM, CSAC, FRE
Executive Director
Virginia Board of Nursing

Certified True Copy

By 

Virginia Board Of Nursing



ENTERED

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, R.N., M.S.M., C.S.A.C., 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.