

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DESTINI JOHNSON, L.P.N.
License No.: 0002-066199

ORDER

In accordance with Sections 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 December 11, 2013, in Henrico County, Virginia. Destini Johnson, L.P.N., was not present, nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Johnson was not present nor was she 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. Destini Johnson, L.P.N., was issued License No. 0002-066199 to practice practical nursing by the Virginia Board of Nursing on May 7, 2003. Said license expired on December 31, 2012. Ms. Johnson's primary state of residence is Virginia.
2. By letter dated November 7, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Johnson notifying her that an informal conference would be held on December 11, 2013. The Notice was sent by certified and first class mail to 10112 Stewartsville Road, Vinton, Virginia 24179, the address of record on file with the Board of Nursing. The Notice was also sent to 1038 Piedmont Street, Bedford, Virginia 24523, and to 2659 Sandy Level Road, Goodview, Virginia 24095, secondary addresses. The certified mail receipts were signed on November 16, 2013, November 9,

2013, and November 9, 2013, respectively. The first class mailings were not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Johnson and the informal conference proceeded in her absence.

3. By Order entered May 27, 2010 ("Board's Order"), the Board took no action against Ms. Johnson contingent upon her entry into the Health Practitioners' Monitoring Program ("HPMP") within 45 days of entry of the Board's Order, and her compliance with all terms and conditions of the HPMP for the period specified by the HPMP. This Order was based on findings that Ms. Johnson was unable to safely practice nursing due to mental illness.

4. Ms. Johnson entered into a Participation Contract with the HPMP on September 10, 2010, and signed the first of five Recovery Monitoring Contracts on September 29, 2010.

5. On January 24, 2011, Ms. Johnson and the Board entered into a Consent Order, which reprimanded Ms. Johnson for failing to enter HPMP within the prescribed time limit.

6. During the course of her employment with the Bedford County Nursing Home, Bedford, Virginia:

a. On March 23, 2012, Ms. Johnson failed to administer Risperdal to a resident as ordered by the resident's physician. She also performed a skin assessment on this resident which identified the wrong part of the anatomy, causing a delay in treatment and progression of a pressure ulcer.

b. On March 16, 2012, Ms. Johnson failed to properly execute a physician's order for an antibiotic for a resident, resulting in a delay of six days of antibiotic therapy for a resident who was positive for a urinary tract infection.

c. On February 29, 2012, Ms. Johnson failed to properly execute a physician's

order for an antibiotic treatment for a resident, resulting in a delay of three days of antibiotic therapy for a resident who had abnormal lab results requiring antibiotic treatment.

7. Ms. Johnson's employment with Bedford County Nursing Home was terminated following the February 2012 and March 2012 incidents.

8. From August 5, 2012, until August 14, 2012, Ms. Johnson was hospitalized at Carilion Behavioral Health, Roanoke, Virginia, for treatment of bipolar disorder with severe psychosis after she presented to the Emergency Department of Carilion Roanoke Memorial Hospital. On August 5, 2012, upon her admission to Carilion, Ms. Johnson submitted to a urine drug screen, which was positive for marijuana. On August 14, 2012, following her discharge from Carilion, Ms. Johnson was involuntarily committed to Western State Hospital for further medical and psychiatric treatment. Ms. Johnson was diagnosed with bipolar disorder, manic episode with psychotic features, and was hospitalized until September 7, 2012.

9. On December 7, 2012, in an interview with an investigator for the Department of Health Professions, Ms. Johnson admitted to occasional use of wine and marijuana. She also stated she was not sure whether she would seek to renew her license, which expired on December 31, 2012.

10. On May 20, 2013, Ms. Johnson was dismissed from the HPMP for noncompliance, including failure to submit monthly reports in January and February 2013, and failure to communicate with HPMP staff monthly after December 2012. She was also no longer eligible to participate in the HPMP due to the expiration of her license.

11. By letter dated December 4, 2013, Ms. Johnson expressed her desire to surrender her license to practice practical nursing.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 6(a), 6(b), and 6(c) constitute violations of § 54.1-3007(2), (5), and (8) of the Code, and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.
2. Findings of Fact Nos. 8, 9, and 10 constitute violations of § 54.1-3007(6) of the Code and Term No. 2 of the Board's Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Destini Johnson's right to renew License No. 0002-066199 to practice practical nursing in the Commonwealth of Virginia
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Johnson 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 practical nursing. Ms. Johnson 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 practical nursing.

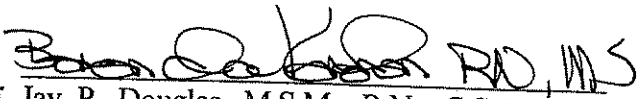
Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Johnson failed to appear at the informal conference, this Order shall be considered final.

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Ms. Johnson has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Johnson has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD


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

Entered: Feb. 7, 2014