

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: DESTINI L. JOHNSON, L.P.N.**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(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 8, 2010, in Henrico County, Virginia. Destini L. Johnson, L.P.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 19, 2010, a quorum of 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 L. Johnson, L.P.N., was issued License No. 0002-066199 to practice practical nursing in Virginia on May 7, 2003. The license is set to expire on December 31, 2010.
2. By letter dated February 12, 2010, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Johnson notifying her that an informal conference would be held on March 8, 2010. The Notice was sent by certified and first class mail to 603 2<sup>nd</sup> Street, Townhouse #4, Bedford, Virginia 24523, the address of record on file with the Board of Nursing. The Notice was also sent to 1038 Piedmont Street, Bedford, Virginia 24523, a secondary address.
3. Ms. Johnson suffers from mental illness which requires medication and treatment, and for which she was involuntarily hospitalized in October and November, 2009.

4. At the informal conference, Ms. Johnson stated that in December, 2005, she was hospitalized at Lewis Gale Medical Center for two weeks and was diagnosed with bipolar disorder. She returned to Lewis Gale in January, 2006, after experiencing problems with her medication. She was hospitalized at Virginia Baptist Hospital in October and November, 2009. She was also hospitalized at Western State Hospital at the end of November to December 12, 2009, and her diagnosis included post-partum depression. She currently sees a psychiatrist every four weeks for medication management. She is not enrolled in counseling, according to Ms. Johnson, as it was not recommended by her psychiatrist. Ms. Johnson stated that she recognizes symptoms of the manic phase and knows when she needs intervention. She also reported that she is in compliance with her medication regime.

5. Ms. Johnson has been employed at Carilion Bedford Memorial Hospital, long term care unit, since September, 2006. She was out on medical leave from September, 2009, until January 25, 2010, and has had no prior disciplinary actions or performance problems. Ms. Johnson is also enrolled in the professional nursing education program at Jefferson College. She has completed the prerequisites and plans to return during the spring semester.

#### **CONCLUSIONS OF LAW**

Findings of Fact No. 3 and 4 constitute a violation of § 54.1-3007(6) of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION against Destini L. Johnson, L.P.N., contingent upon Ms. Johnson's entry into the Health Practitioners' Monitoring Program ("HPMP"), within 45 days of the entry of this Order, 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 and, thereafter, complying with all terms and conditions of the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Destini L. Johnson, L.P.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Johnson shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Johnson has failed to make application to the HPMP;
- b. Ms. Johnson is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against Ms. Johnson involving a violation of law or regulation or any term or condition of this Order; or
- d. Ms. Johnson has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Johnson's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Johnson's appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Johnson's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Destini L. Johnson, L.P.N., 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 she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

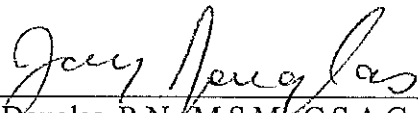
4. Ms. Johnson shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

This Order is subject to appeal to the Board. If Ms. Johnson desires a formal administrative


hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD

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

Entered: May 27<sup>th</sup>, 2010

**Certified True Copy**  
By   
**Virginia Board of Nursing**