

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

VICTORIA E. MANN, R.N.

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on October 6, 2009, in Henrico County, Virginia, to inquire into evidence that Victoria E. Mann, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Mann was present and was not represented by legal counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Victoria E. Mann, R.N., was issued License No. 0001-191990 to practice professional nursing in the Commonwealth of Virginia on August 5, 2004. Said license expires on February 28, 2010. Ms. Mann was issued License No. 0002-056895 to practice practical nursing in the Commonwealth of Virginia on September 16, 1998. Said license expired on February 28, 2006.

2. Ms. Mann is unable to safely practice as a professional nurse due to a substance abuse disorder, as she acknowledged in at least five Recovery Monitoring Contracts with HPMP dating from May 23, 2005, through July 28, 2008. On October 21, 2005, the Health Practitioners' Monitoring Program ("HPMP") (*formerly Virginia Health Practitioners' Intervention Program*) Committee granted Ms. Mann a stay of disciplinary action with the expectation that she would comply with the terms of her contracts. Due to Ms. Mann's noncompliance with her contract, including positive drugs screens for medications for which she did not have valid prescriptions, on February 23, 2009, the HPMP Committee voted to vacate the stay of disciplinary action and dismissed Ms. Mann from the program.

3. At the informal conference Ms. Mann stated that she began abusing opiates in 2004. She also diverted them from Riverside Regional Medical Center, Newport News, Virginia, where she was employed previously. She reported that she was placed on probation for one year by the Newport News, Virginia Circuit Court in connection with related criminal charges and completed her probation in 2007. The charges were dismissed at that time.

4. Ms. Mann admitted that she had drug screens that were positive for medications for which she did not have valid prescriptions while she participated in HPMP. She further stated that she was aware that she was prohibited from taking the medications while in HPMP.

5. From April 7, 2007, until February 10, 2009, Ms. Mann submitted fraudulent Worksite Monitor Reports to HPMP, when she did not have a work site monitor at the facility and the facility was unaware of her participation in HPMP.

6. Ms. Mann admitted that she submitted fraudulent reports to HPMP and stated that she was embarrassed by her actions.

7. On February 9, 2009, Ms. Mann tested positive for morphine (schedule II) for which she did not have a valid prescription. Ms. Mann then forged a Physician Report and submitted it to HPMP in an attempt to show that she was legitimately prescribed the medication.

8. Ms. Mann maintained that she is aware that she has a lifetime of recovery and that she has made her doctor aware of her addiction.

9. Ms. Mann reported that she completed intensive outpatient therapy with Chesson & Associates on June 11, 2009. She stated that she attends aftercare and that she was active in AA and NA meetings. She also reported that her sobriety date was March 28, 2009.

10. At the informal conference, Ms. Mann expressed a willingness to re-enter the HPMP. She stated that she is willing and financially ready to follow any recommendations made by HPMP.

11. Ms. Mann reported that she had been employed at Coliseum Park Nursing Home in Hampton, Virginia, since July 13, 2009, as a MDS Coordinator/Restorative Nurse. She did not have access to medication. She took a drug screen when she was hired, which was negative.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (3) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.
3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

CONSENT

Victoria E. Mann, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0001-191990 of Victoria E. Mann, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Mann 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

professional nursing. Ms. Mann 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 professional nursing.

5. This suspension shall be STAYED upon proof of Ms. Mann's re-entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Mann 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. Mann, 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. Mann is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Mann's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Mann involving a violation of law, regulation, or any term or condition of this order.

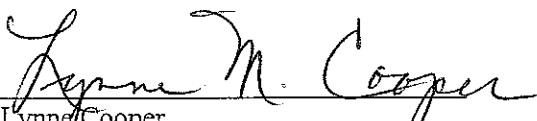
6. This Order is applicable to Victoria E. Mann's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Mann shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Mann wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

7. Ms. Mann 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 §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in

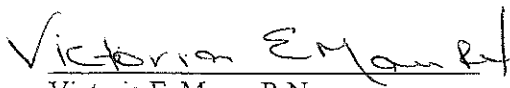
the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

  
Lynne Cooper  
President, Virginia Board of Nursing

ENTERED: November 18<sup>th</sup>, 2009

SEEN AND AGREED TO:

  
Victoria E. Mann, R.N.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Hampton, TO WIT:

Subscribed and sworn to before me, Theresa P. Branch a Notary Public, this 3 day of November, 2009.

My commission expires September 30, 2013.

Registration Number 363862.

  
NOTARY PUBLIC

