

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: THERESA PHAM, R.N.
 License No.: 0001-220722**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on December 16, 2013, in Henrico County, Virginia, to inquire into evidence that Theresa Pham, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. Ms. Pham was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Theresa Pham, R.N., was issued License No. 0001-220722 to practice professional nursing in the Commonwealth of Virginia on August 7, 2009. Said license expires on August 31, 2015. Ms. Pham’s primary state of residence is Virginia.
2. By letter dated November 21, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Pham notifying her that an informal conference would be held on December 16, 2013. The Notice was sent by certified and first class mail to 13862 Greendale Drive, Woodbridge, Virginia, 22191, the address of record on file with the Board of Nursing.
3. Ms. Pham stated at the informal conference that she had a history of abusing prescription drugs. Her addiction stemmed from management of pain related to an injury that she had suffered.
4. On July 23, 2013, Ms. Pham drove home from her place of employment with the Virginia Hospital Center, Arlington, Virginia, while impaired.

5. In July 2013, Ms. Pham submitted to an employment-related drug screen that was positive for butalbital, hydrocodone, and hydromorphone. She had a prescription for butalbital and hydrocodone. She stated that she mistakenly took the hydromorphone after a patient refused the medicine and she had placed it in her pocket with the intent of wasting it and confused it with her own medication.

6. Ms. Pham stated that her date of sobriety was September 23, 2013, which is the day she entered a 37-day inpatient treatment program at the Farley Center. She is currently in a 16-week intensive outpatient treatment program with Virginia Hospital Center. Upon completion of this IOP, she will enter a third phase of treatment. She attends Alcoholics Anonymous and Narcotics Anonymous meetings and Caduceus and speaks to her sponsor daily. She has completed the first three steps in AA. She also is being treated by an addictionologist and sees a therapist twice a week. She performs community service through her church and identified her family as an additional support system.

7. Ms. Pham is currently enrolled in the Health Practitioners' Monitoring Program and is currently compliant.

8. Ms. Pham currently takes neurontin and robaxin for treatment of a rotator cuff injury and intends to begin physical therapy.

9. Ms. Pham is currently on administrative leave with the Virginia Hospital Center.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3, 4, and 5 constitute a violation of § 54.1-3007(6) of the Code.
2. The Committee concludes that Ms. Pham is properly enrolled in the Health Practitioners' Monitoring Program ("HPMP").

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The Committee shall TAKE NO ACTION at this time, contingent upon Ms. Pham's continued compliance with all terms and conditions of the Recovery Monitoring Contract ("Contract") with the HPMP for the period specified in the Contract.

2. This order shall be applicable to Ms. Pham's multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Ms. Pham shall not work outside 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. Pham wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

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

a. Ms. Pham is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Pham involving a violation of law or regulation or any term or condition of this Order; or

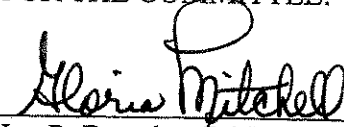
c. Ms. Pham has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Pham's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Pham's appearance before the Board and conduct an administrative review of this matter.

4. Ms. Pham 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 on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Pham may, not later than 5:00 p.m., on February 26, 2014, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that 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 COMMITTEE:


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

ENTERED January 24, 2014

This Order shall become final on February 26, 2014, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing