

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: DIANA H. LUCAS, R.N.
 License No.: 0001-115964**

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 December 9, 2013, in Henrico County, Virginia, to inquire into evidence that Diana H. Lucas, R.N., may have violated certain laws governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Lucas 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. Diana H. Lucas, R.N., was issued License No. 0001-115964 to practice professional nursing in the Commonwealth of Virginia on August 22, 1989. Said license expires on January 31, 2015. Her primary state of residence is Virginia.
2. Based upon the representations of Tammie D. Jones and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with Medi Home Health and Hospice, Fredericksburg, Virginia, by her own admission, on November 6 and 20, 2012, Ms. Lucas reported to work under the influence of alcohol. Alcohol was smelled on her breath and she was observed to have slurred speech, stumbling and with an unsteady gait.

4. Ms. Lucas resigned her employment with Medi Home Health and Hospice on November 20, 2012.

5. Ms. Lucas was hospitalized at Mary Washington Hospital, Snowden at Fredericksburg, on November 7, and 20, 2012, and February 25, 2013, due to substance abuse and mental illness. She was referred to the Rappahannock Area Community Services Board; however, she failed to obtain treatment.

6. On May 21, 2013, Ms. Lucas reported that she was attending Alcoholics Anonymous meetings. Ms. Lucas' sponsor reported that Ms. Lucas relapsed in February and April, 2013, which was confirmed by Ms. Lucas.

7. Ms. Lucas' supervisor at Medi Home Health testified that Ms. Lucas was an excellent nurse, with no patient complaints.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of 54.1-3007(5) and (6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

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

1. License No. 0001-115964 issued to Diana H. Lucas, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

2. The license of Diana H. Lucas, R.N., will be recorded as SUSPENDED and no longer current. Should Ms. Lucas 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.

3. At such time as Ms. Lucas 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 suspension applies to any multistate privilege to practice professional nursing.

5. Said suspension shall be STAYED upon proof that Ms. Lucas has entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:

a. Ms. Lucas 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 Diana H. Lucas, R.N., and an administrative proceeding shall be held to decide 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. Lucas is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

6. Upon receipt of evidence of Ms. Lucas' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Lucas' appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.


7. This Order shall be applicable to Ms. Lucas' multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Lucas may 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.

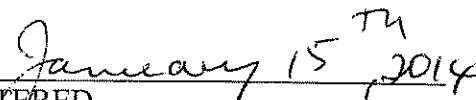
8. Ms. Lucas shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

FOR THE BOARD




Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
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.

Certified True Copy
By 

Virginia Board of Nursing