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By 
Virginia Board of Nursing



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VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
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January 15, 2014

Jessica Lee Barker
242 Young Road
Stoneville, NC 27048

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 1/15/14

RE: License No.: 0001-206644

Dear Ms. Barker:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered January 15, 2014. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

Enclosures
Case # 154621

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: JESSICA LEE BARKER, R.N.
License No.: 0001-206644

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Jessica Lee Barker, R.N., to practice nursing in the State of North Carolina was suspended by an Order to Show Cause Following Violation of Probationary Conditions entered on December 20, 2013. A certified copy of the Order to Show Cause Following Violation of Probationary Conditions is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the privilege of Jessica Lee Barker, R.N., to renew her license to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Jessica Lee Barker, R.N., will be recorded as suspended and no longer current. Should Ms. Barker seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.

D. Reynolds-Cane MD

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: 1-15-14



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

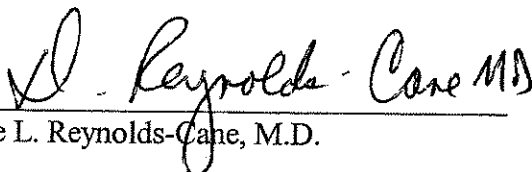
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CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Order to Show Cause Following Violation of Probationary Conditions entered December 20, 2013, regarding Jessica Lee Barker, R.N., is a true copy of the records received from the North Carolina Board of Nursing.



Dianne L. Reynolds-Cane, M.D.

Date: 1-15-14

**BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA**

IN THE MATTER OF)

Jessica L. Barker, Registered Nurse)

Certificate # 263824)

**ORDER TO SHOW CAUSE FOLLOWING
VIOLATION OF PROBATIONARY
CONDITIONS**

Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board) **SUSPENDS** the Registered Nurse license of Jessica L. Barker for violation of her Alternative Program (AP) Contract.

1. Jessica L. Barker is the holder of Registered Nurse Certificate #263824 which expires on March 31, 2015.
2. On January 22, 2013 the Board received a complaint from Morehead Memorial Hospital in Eden, NC reporting Ms. Barker for alleged diversion. Ms. Barker was working in this facility on a temporary license while awaiting issuance of a permanent license to practice nursing in North Carolina. Specifically, she was alleged to have removed a Demerol for a patient that did not have an order for the medication.
3. On March 13, 2013 Ms. Barker met with Board staff and admitted to having a chemical dependence problem and wanted to participate in the Board's Alternative Program. The Alternative Program (AP) is a three (3) year monitoring program designed to assist those nurses that have a chemical dependence problem by providing on-going monitoring which allows the nurse to continue to work while assuring, through vigilant monitoring, that the public is protected. By agreeing to the conditions of the program, Ms. Barker agreed to satisfactorily comply with the conditions of the contract.
4. Ms. Barker did not sign the actual contract for participation until July 31, 2013 after she was issued a permanent license in the state. However, she began fulfilling the requirements for participation and her monitoring began in March 2013.
5. One of the program requirements indicates that the licensee must submit Prescription Identification Forms (PIF) both to the Board and to FirstLab, the Board's contracted body fluid screening company. The forms should reflect all medications that the licensee is currently prescribed. On July 31, 2013 it was determined that Ms. Barker had not submitted any PIF's since April 3, 2013. Once submitted, a review of Ms. Barker's CSRS and the information on the forms did not correspond. On September 6, 2013 Ms. Barker was issued a Level 1 Warning based on the Board's Progressive Action Policy.
6. The AP Program also requires that a licensee must submit reports from her AA/NA sponsor and her counselor. On September 10, 2013 Ms. Barker was sent a late report letter for failure to submit reports in a timely manner from her AA/NA sponsor and her counselor.
7. On September 26, 2013 Ms. Barker was issued a Level 3 Warning for her failure to adhere to the program requirements and submit all required documentation. She was given a deadline of October 3, 2013 to have all documentation submitted to the Board. Ms. Barker failed to submit all required documentation by the deadline.
8. Licensees are also required to attend Aftercare one/week for one (1) year upon completion of treatment. Ms. Barker missed her Aftercare meetings two (2) times in August; one (1) time in September and two (2) times in October 2013.

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9. On October 9, 2013 Ms. Barker was selected to drug screen. The specimen was collected using chain of custody specifications and was reviewed by the Medical Review Officer (MRO). The drug screen was positive for Amphetamines and was failed by the MRO. The MRO left two (2) voicemails for Ms. Barker to contact him and she failed to do so. On October 29, 2013 Ms. Barker submitted a picture of a prescription written by her primary care physician on October 5, 2013 for Amphetamine Salts, and the MRO cleared this drug screen result.
10. On November 13, 2013 Ms. Barker was again selected to drug screen. The specimen was collected using chain of custody specifications and was reviewed by the MRO. The drug screen was positive for Amphetamines and was failed by the MRO. On December 9, 2013 Ms. Barker was again selected to drug screen. This specimen was also collected using chain of custody specifications and was reviewed by the MRO and was deemed positive for Amphetamines. Ms. Barker failed to contact the MRO or to provide any explanation or documentation to the MRO or to her monitoring coordinator for these positive specimens. The contract for the AP Program requires that the licensee must remain alcohol and drug free.
11. Ms. Barker failed to provide documentation of the prescriptions she was receiving for controlled substances as required by the program contract. Ms. Barker failed to submit her reports from her AA/NA sponsor or counselor in a timely manner as required by the program. Ms. Barker failed to attend the required Aftercare meetings. Ms. Barker tested positive for Amphetamines on two (2) different occasions and provided no explanation for the positive screens.
12. Ms. Barker has demonstrated an on-going, non-reassuring pattern of non-compliance with the requirements of the AP Program. The Board cannot fulfill its mandate of assuring the public is protected, if the licensee does not comply with the terms and conditions of the monitoring contract.
13. The licensee has violated the Nursing Practice Act Section G.S. 90-171.37 (7) and (8) and as further identified in Regulation 21 NCAC 36.0217 (c) (1) (20).
14. Therefore the AP Contract for Jessica L. Barker is hereby **TERMINATED** and Ms. Barker **MUST IMMEDIATELY CEASE AND DESIST** from the practice of nursing in North Carolina.
15. In accordance with Chapter 150B of the General Statutes, the licensee is entitled to a "Show Cause" Hearing before of the Board to determine why the Board should not take further action because of the licensee's failure to comply with the probationary conditions, including imposing further discipline.
16. The licensee is entitled to be represented by counsel and to present evidence and witnesses/testimony on the licensee's behalf.
17. Pursuant to North Carolina General Statute Section 150B-40(d), the licensee may not communicate, directly or indirectly, with any individual member of the Board about this

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matter. If the licensee or legal representative has questions, they should contact Donna H. Mooney, RN, MBA – Manager/Regulatory Affairs.

18. In the event the Board determines the Licensee has violated any of the conditions of this ORDER, and the Licensee disputes that such a violation of the conditions has occurred, then the Licensee agrees the Licensee must file such objection in writing with the Board **WITHIN TEN (10) BUSINESS DAYS** of the date of the notice of the violations to the Licensee. The notice to the Board shall contain with specificity the violations disputed.
19. When the Licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.
20. If the licensee is disputing the fact that the violations as alleged did occur, the licensee must file a written objection with the Board within ten (10) business days of the date of the notice of violations to Jessica L. Barker. The notice must contain with specificity the violations being disputed.
21. When the licensee has properly filed notice of objections with the Board, then the licensee will be notified of the exact date and time for the "Show Cause" Hearing. The Hearing will be held at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.
22. Failure to return the written objection within the designated time period will be construed to mean the licensee is not contesting the matter and all further proceedings to which the licensee is otherwise entitled by law are hereby waived.

The license will remain suspended until after the licensee makes an appearance before the Licensure Review Panel, where the Panel will review the petition for reinstatement and based on the information presented, determines if the licensee is safe and competent to re-enter nursing.
23. This ORDER to Suspend will be placed in the licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.
24. By not contesting the violations contained in this ORDER, the licensee is waiving the rights to a "Show Cause" Hearing, to challenge the validity of this ORDER and to any further proceedings to which the licensee may be entitled by law.
25. By contesting the violations contained in this ORDER, the licensee is requesting a "Show Cause" Hearing.

The licensee understands that a written objection with the specific violations/charges being disputed must be received within ten (10) business days of the date of this notice.

The subject of the "Show Cause" Hearing shall be limited to the specific reasons for which the probationary license was suspended/revoked.

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When the licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

26. In accordance with G.S. 90-171.27(d) and Board policy derived therefrom, a fee may be assessed for disciplinary matters. A "Show Cause" Hearing is considered a discipline action.

**FAILURE TO RETURN THE ATTACHED PAGE WITHIN TEN (10) BUSINESS DAYS
WILL RESULT IN THE LICENSEE WAIVING ALL RIGHTS TO CHALLENGE THE
VALIDITY OF THIS ORDER OR TO ANY OTHER PROCEEDINGS TO WHICH THE
LICENSEE MAY OTHERWISE BE ENTITLED BY LAW.**

This the 20th day of December, 2013



Julia L. George, RN, MSN, FRE
Executive Director
North Carolina Board of Nursing

CERTIFIED TRUE COPY