

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: WINDY I. MARKHAM, L.P.N.
License No.: 0002-052629

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 March 17, 2014, in Henrico County, Virginia, to inquire into evidence that Windy I. Markham, L.P.N., may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on October 3, 2013, and to inquire into evidence that Ms. Markham may have violated certain laws governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Markham 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. Windy I. Markham, L.P.N., was issued License No. 0002-052629 to practice as a practical nurse in the Commonwealth of Virginia on May 13, 1996. Her primary state of residence is Virginia. By Order of the Board entered on October 3, 2013, the Board indefinitely suspended Ms. Markham's license with said suspension stayed contingent upon her entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP"), due to substance abuse and diversion. Upon receipt of notification of her dismissal from the HPMP, the Board summarily rescinded the stay of suspension of Ms. Markham's license on December 13, 2013, pursuant to Term No. 5 of the Board Order.

2. Based upon the representations of Tammie 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. The HPMP received a Participation Contract from Ms. Markham on September 17, 2013, along with all necessary releases. The HPMP recommended that Ms. Markham undergo a substance abuse assessment; however, she failed to respond to voicemail messages or written correspondence. On November 14, 2013, Ms. Markham was dismissed from the HPMP for failing to respond to communication.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of Term No. 5 of the Order entered October 3, 2013, and § 54.1-3007(6) of the Code.

ORDER

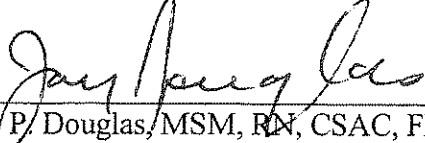
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Windy I. Markham, L.P.N., is hereby REPRIMANDED.
2. License No. 0002-052629 issued to Windy I. Markham, L.P.N., to practice practical nursing in the Commonwealth of Virginia is hereby CONTINUED on INDEFINITE SUSPENSION.
3. The license of Windy I. Markham, L.P.N., will be recorded as SUSPENDED and no longer current. Should Ms. Markham 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.
4. At such time as Ms. Markham shall petition the Board for reinstatement of her license, a hearing will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

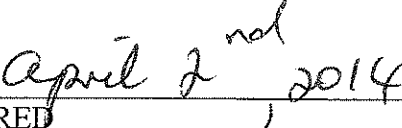
5. This Order shall be applicable to Ms. Markham's multistate licensure privileges, if any, to practice practical nursing.

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