

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JANET E. HUNTER, R.N.
 License No.: 0001-169039**

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 November 19, 2013, in Henrico County, Virginia, to inquire into evidence that Janet E. Hunter, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Amanda E. M. Blount, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Hunter was 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. Janet E. Hunter, R.N., was issued License No. 0001-169039 to practice professional nursing by the Virginia Board of Nursing on April 13, 2000. Said license is set to expire on August 31, 2014. She previously held License No. 2858542 to practice professional nursing in Florida, which expired on April 30, 2001. Her primary state of residence is Virginia.
2. During the course of her employment with INOVA Fair Oaks Hospital, Fairfax, Virginia, on April 27, 2013, and September 29, 2012, Ms. Hunter tested positive for alcohol while on duty.
 - a. A nurse reported the smell of alcohol on Ms. Hunter on April 27, 2013. Upon this report, Ms. Hunter submitted to blood and urine screens to obtain her blood alcohol content. Both tests came back positive for alcohol.
 - b. A nurse had also reported a scent of alcohol on Ms. Hunter on September 29, 2012,

and Ms. Hunter submitted to a blood and urine screen. These specimens were apparently lost in the mail, and she was allowed to continue working in her position. Upon the specimens being submitted in April 2013, Fairfax Hospital recognized that the previous results had been sent to them instead of Fair Oaks Hospital. In both the blood and urine tests from September 29, 2012, Ms. Hunter tested positive for alcohol.

3. Ms. Hunter's employment was terminated on May 6, 2013, as a result of her testing positive for alcohol.

4. The evidence revealed that on April 16, 2013, there was another incident that staff at the hospital believed to smell alcohol on Ms. Hunter, but there were no tests taken.

5. Ms. Hunter testified that she had consumed a beer prior to the April 27, 2013, incident. Nonetheless, in her interview with an investigator with the Virginia Department of Health Professions, she attempted to justify the positive alcohol result from April 27, 2013, because of a family history of diabetes and her extreme biking. She testified that she has not been diagnosed with diabetes.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact No. 2 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

ORDER

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

1. License No. 0001-169039 issued to Janet E. Hunter, R.N., to practice professional nursing in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED.

2. The license will be recorded as SUSPENDED and no longer current. Should Ms. Hunter 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. Hunter 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 Order shall be applicable to Ms. Hunter's multistate licensure privileges, if any, to practice professional nursing.

5. Said suspension shall be STAYED upon proof that Ms. Hunter has entered the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remains compliant with the HPMP and the following terms and conditions:

a. Ms. Hunter 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 Janet E. Hunter, 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. Hunter 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. Hunter's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Hunter's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

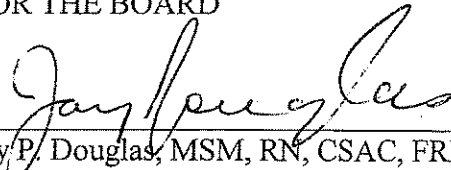
7. This Order shall be applicable to Ms. Hunter's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Hunter may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without 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. Hunter 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 Regulations Governing the Practice of 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

December 12th, 2013
ENTERED

Certified True Copy
By Abraham
Virginia Board of Nursing

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.