

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JOANNE MULLEN, L.P.N.
License No.: 0002-070162

ORDER

In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on September 25, 2013 in Henrico County, Virginia. Joanne Mullen, L.P.N., was present and was not represented by legal counsel. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Mullen was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Joanne Mullen, L.P.N., was issued License No. 0002-070162 to practice practical nursing in Virginia on October 28, 2004. The license is scheduled to expire on May 31, 2014. Her primary state of residence is Virginia.
2. By letter dated August 30, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Mullen notifying her that an informal conference would be held on September 25, 2013. The Notice was sent by certified and first class mail to 1053 Still Harbor Circle, Chesapeake, Virginia 23320, the address of record on file with the Board of Nursing.
3. During the course of her employment with Medi Home Health and Hospice, Chesapeake,

Virginia, on September 14, 2012:

a. Ms. Mullen inserted an indwelling medicated urinary catheter for Patient A without a physician's order.

b. Ms. Mullen falsified Patient A's medical record by indicating that she had obtained an order before inserting the catheter.

4. At the informal conference, Ms. Mullen acknowledged that she did not actually obtain an order before inserting the catheter, but stated that she believed that Patient A's case manager would obtain an order from the patient's physician. She acknowledged not verifying whether there was an order before inserting the catheter. However, she stated to an investigator for the Department of Health Professions that she telephoned the patient's primary care physician once she got to the patient's home, but that the physician refused to issue an order for the catheter and instructed her to contact the patient's urologist. She further told the investigator that she telephoned the urologist's office sometime before 12:00 noon and received permission to insert the catheter prior to doing so. Records from the urologist's office indicate that Ms. Mullen first called the office at 2:10 p.m. and that permission was not granted to insert the catheter until 3:42 p.m.

5. The case manager told the investigator that she instructed Ms. Mullen to contact the physician for an order. The case manager and other staff members recalled that Ms. Mullen admitted to them that she had inserted the catheter without an order.

6. Ms. Mullen's employment with Medi Home Health was terminated as a result of this incident.

7. Ms. Mullen has had four nursing employers in the past five years and has been terminated from two. She was employed by American Home Health after being terminated from Medi Home Health. She was terminated from American Home Health for failing to disclose her termination from Medi Home

Health on her employment application. She stated at the informal conference that she knew she would not have gotten a job with American Home Health if she had revealed her termination from Medi Home Health. She is currently employed at Pinnacle Senior Care. She stated at the informal conference that her current employer is aware of her prior terminations.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(a) and (f) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

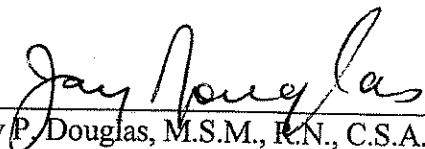
1. Joanne Mullen, L.P.N., is hereby REPRIMANDED.
2. Ms. Mullen shall provide the Board with verification that she has completed the following NCSBN online courses within 60 days of the entry of this Order: *Righting a Wrong: Ethics and Professionalism in Nursing*; *Documentation: A Critical Aspect of Client Care*; and *Professional Accountability and Legal Liability for Nurses*.
3. Ms. Mullen shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Mullen and an administrative proceeding shall be convened

to determine whether such license shall be suspended or revoked.

Pursuant to § 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Mullen may, not later than 5:00 p.m., on January 13, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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.

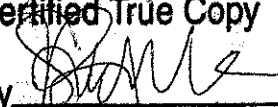
FOR THE BOARD:



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

ENTERED: December 10th, 2013

This Order shall become final on January 13, 2014 unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 

Virginia Board of Nursing