

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: DIANE WELLS DOGGETT, R.N.**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Board of Nursing met on February 28, 2006, in Henrico County, Virginia, to receive and act upon evidence that Diane Wells Doggett, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Doggett was present and was not represented by counsel. Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Diane Wells Doggett, R.N., holds License No. 0001-087159 issued by the Virginia Board of Nursing.
2. Ms. Doggett violated § 54.1-3007(6) of the Code, in that she was dismissed from the Health Practitioners’ Intervention Program for non-compliance with the terms and conditions of her contract; she is dependent upon Percocet (oxycodone, Schedule II); and she submitted a positive urine drug screen. Specifically:
  - a. On or about October 20, 2003, Ms. Doggett entered into a Participation Contract with the Health Practitioners’ Intervention Program (“HPIP”), pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10, et seq., of the Regulations Governing the HPIP. This was done with the understanding that the program is to assist those persons who have impairment, defined as “a physical or mental disability, including, but not limited to substance abuse, that substantially alters the

ability of a practitioner to practice his profession with safety to his patients and the public.” On or about December 15, 2003, Ms. Doggett entered into a Recovery Monitoring Contract. On or about September 27, 2004, she entered into Recovery Monitoring Contract #4. Per the terms of that Recovery Monitoring Contract, Ms. Doggett must seek approval from the HPIP prior to beginning work in a health profession. On or about October 12, 2004, Ms. Doggett began employment as a charge nurse at Regency Healthcare Center, Yorktown, Virginia, without receiving approval from the HPIP. On or about March 11, 2005, Ms. Doggett was dismissed from the HPIP due to her accepting employment as a health professional without receiving permission from the HPIP.

- b. By her own admission, Ms. Doggett was dependent upon Percocet (oxycodone, Schedule II), which she received by prescription.
  - c. On or about August 25, 2004, Ms. Doggett submitted a urine drug screen that tested positive for Ultram. By her own admission, Ms. Doggett ingested four (4) Ultram (tramadol, Schedule IV) tablets that she had obtained from a friend. As a result of her positive drug screen, on or about September 29, 2004, Ms. Doggett was terminated from her employment as MDS Coordinator with Newport News Nursing Rehabilitation Center, Newport News, Virginia.
3. Ms. Doggett violated § 54.1-3007(2) and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) and (e) of the Board of Nursing Regulations, in that, during the course of her employment in the emergency department at Sentara Care Plex Hospital, Hampton, Virginia, Ms. Doggett diverted medications for her personal and unauthorized use, falsifying patient and employer

Order – Diane Wells Doggett, R.N.

records in the process.

4. Ms. Doggett re-entered the HPIP by entering into a Participation Contract on or about September 9, 2005. Ms. Doggett signed a Recovery Monitoring Contract on or about November 30, 2005, and signed a revised Recovery Monitoring Contract on or about January 12, 2006.
5. Ms. Doggett stated to the Committee that she has a sobriety date of August 25, 2004.
6. Ms. Doggett stated to the Committee that she has sought alternative treatments to enable her to deal with pain without the use of narcotics.

### **ORDER**

On the basis of the foregoing, the Committee, effective upon entry of this Order, hereby ORDERS that it shall TAKE NO ACTION at this time contingent expressly upon Ms. Doggett's continued compliance with the following terms and conditions:

1. Ms. Doggett shall comply with all terms and conditions of the Contract with the HPIP for the period specified in the Contract.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Doggett, and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Doggett shall be noticed to appear before a Committee at such time as the Board is notified that:
  - a) Ms. Doggett is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP, or
  - b) There is a pending investigation or unresolved allegations against Ms. Doggett involving a violation of law, regulation or any term or condition of probation or this

Order – Diane Wells Doggett, R.N.

Order, or

- c) Ms. Doggett has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of evidence of Ms. Doggett's participation in and compliance with the HPIP, the Committee, at its discretion, may waive Ms. Doggett's appearance before the Committee, and conduct an administrative review of this matter.

This order shall be applicable to Ms. Doggett's Multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this order, Ms. Doggett 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 the respondent wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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.

If Ms. Doggett does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, in writing at 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1712, within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing as provided in §§ 2.2-4020 and 2.2-4021 of the Code.

Order -- Diane Wells Doggett, R.N.

FOR THE BOARD

*Susan Bell Rosen*  
Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director for the  
Board of Nursing

ENTERED: *March 13, 2006*

**CERTIFICATE OF SERVICE**

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Diane Wells Doggett, R.N., at 413 Shirley Road, Seaford, VA 23696.

*for* *Susan Bell Rosen*  
Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director for the  
Board of Nursing

*March 13, 2006*  
Date