

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: DONALD PADGETT, L.P.N.**  
**License No.: 0002-055473**

**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 August 29, 2013, in Henrico County, Virginia. Mr. Padgett was not present nor was he represented by legal counsel. Jane Elliott, R.N., Ph.D., 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. Mr. Padgett was not present nor was he 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. Donald Padgett, L.P.N., was issued License No. 0002-055473 to practice as a practical nurse in Virginia on October 27, 1997. The license is scheduled to expire on August 31, 2013. His primary state of residence is Virginia.
2. By letter dated August 2, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Padgett notifying him that an informal conference would be held on August 29, 2013. The Notice was sent by certified and first class mail to 99 Windsor Road, Woodlawn, VA 24381, the address of record on file with the Board of Nursing. The Notice was also sent to 126 Lakeside Drive, Galax, Virginia 24333, a secondary address. The receipts for certified mail were both signed. The Notices sent by first class mail were not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Padgett, and the informal conference proceeded in his absence.

3. During the course of his employment with Golden Living Center Blue Ridge, Galax, Virginia, Donald Padgett, L.P.N., diverted Schedule II – IV controlled medications from residents' supplies, including codeine, morphine, hydromorphone, clonazepam, oxycodone, and oxymorphone, for his personal and unauthorized use. Mr. Padgett told the investigator that he may be addicted to narcotics.

4. Mr. Padgett is unable to practice nursing safely due to substance abuse as evidenced by the following:

a. On August 31, 2012, during Golden Living Center's investigation of his suspected diversion of medications, Mr. Padgett tested positive for Lorazepam, clonazepam, codeine, hydrocodone, hydromorphone, morphine, oxycodone, and oxymorphone.

b. Mr. Padgett initially indicated to the Department of Health Professions' investigator that he wished to surrender his license but later decided to enter the Health Practitioners' Monitoring Program ("HPMP"). On November 30, 2012, Mr. Padgett signed a Participation Contract with the HPMP, but he was dismissed from the HPMP on March 12, 2013, for failing to attend the HPMP orientation.

5. As of October 24, 2012, Mr. Padgett was employed at a convenience store.

6. Mr. Padgett has had three nursing positions since 2001. He was terminated from one of these positions and resigned from the other two.

### **CONCLUSIONS OF LAW**

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact #4 constitutes a violation of § 54.1-3007(6) of the Code.

### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Donald Padgett, L.P.N., to renew License No. 0002-055473 is

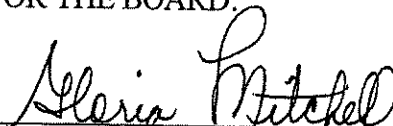
INDEFINITELY SUSPENDED for a period of not less than two years.

2. The license will be recorded as suspended and no longer current.
3. At such time as Mr. Padgett shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of practical nursing. Mr. Padgett shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice practical nursing.


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.

Since Mr. Padgett failed to appear at the informal conference, this Order shall be considered final. Mr. Padgett has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Padgett has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD:

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

Certified True Copy

By   
Virginia Board of Nursing

Entered: November 25, 2013