

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TRACY AGEE, L.P.N.
License No.: 0002-074189

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Tracy Agee, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Agee's license to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Tracy Agee, L.P.N., was issued License No. 0002-074189 to practice practical nursing by the Virginia Board of Nursing on August 18, 2006. Said license is set to expire on June 30, 2015. Her primary state of residence is Virginia.
2. During the course of her employment with Envoy at the Village, Fork Union, Virginia, on December 21, 2012, Ms. Agee removed one tablet of hydrocodone 5/325 from the stat box and administered it to a resident who had an order for oxycodone 3/325. When she discovered her error, Ms. Agee failed to report it.
3. The resident was not harmed by Ms. Agee's error.
4. Ms. Agee's employment with Envoy at the Village was terminated as a result of this incident.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

CONSENT

Tracy Agee, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Tracy Agee, L.P.N., is hereby REPRIMANDED.
2. Ms. Agee 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.

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 upon request.

FOR THE BOARD:

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

ENTERED: November 1, 2013

SEEN AND AGREED TO:

Tracy Agee LPN
Tracy Agee, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF _____, TO WIT:

Subscribed and sworn to before me, October, a Notary Public, this 24 day of _____, 2013.

My commission expires June 30, 2016

Registration Number 7128922

Gloria Farmer
NOTARY PUBLIC



Certified True Copy

By [Signature]
Virginia Board of Nursing