

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: TRICIA N. GREGORY, R.N. REINSTATEMENT APPLICANT**  
**License No.: 0001-224352**

**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 September 19, 2013, in Henrico County, Virginia, to receive and act upon Tricia N. Gregory's application for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by the Department of Health Professions on November 29, 2011, and to inquire into evidence that Ms. Gregory may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by James E. Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Gregory 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. Tricia N. Gregory, R.N., was issued License No. 0001-224352 to practice professional nursing in the Commonwealth of Virginia on May 24, 2010. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on November 29, 2011. Ms. Gregory also held a license to practice professional nursing in North Carolina that is expired, and she held a professional nursing license in California that she surrendered. Ms. Gregory holds a current professional nursing license in Maryland that is valid only in Maryland. Ms. Gregory's primary state of residence is

Virginia.

2. Ms. Gregory submitted an application for reinstatement of her license to practice professional nursing, which was received by the Board on May 14, 2013.

3. On July 14, 2011, Ms. Gregory was convicted of seven felony counts at a General Court Martial of the United States Navy at the Regional Legal Service Office Mid-Atlantic, Norfolk, Virginia, based on findings that between January 2010, and April 2010, by her own admission, while on active duty with the United States Navy and working in the Pediatric Unit of Portsmouth Naval Medical Center, Portsmouth, Virginia, she diverted narcotics and benzodiazepines from patient supplies, and she diverted hospital supplies, for her own personal and unauthorized use. These felony convictions and the felony conviction in Finding of Fact No. 4 below were the basis of her mandatory suspension in Virginia.

4. On July 14, 2011, at a General Court Martial of the United States Navy at the Regional Legal Service Office Mid-Atlantic, Norfolk, Virginia, Ms. Gregory was convicted of a felony count of culpable negligence based on findings that at the Portsmouth Naval Medical Center, Portsmouth, Virginia, on 16 April 2010, Ms. Gregory was responsible for the care of an unnamed infant patient under the age of 16 years, and did endanger the safety of the infant, by carrying the infant while she was in an intoxicated state. As a result of this felony conviction and the felony convictions in Finding of Fact No. 3, Ms. Gregory was sentenced to forfeitures of \$1,000.00 a month for three months and dismissal from the Navy.

5. On February 15, 2013, the California Board of Registered Nursing accepted Ms. Gregory's surrender of her professional nursing license for two years based on the Virginia Department of Health Professions' mandatory suspension of her license to practice professional nursing and her convictions as stated in Findings of Fact Nos. 3 and 4 above.

6. On March 15, 2011, by her own admission, during the course of her employment with DePaul Medical Center, Norfolk, Virginia, Ms. Gregory diverted Ativan (Schedule IV) from patient supplies for her personal and unauthorized use. DePaul Medical Center terminated Ms. Gregory's employment as a result of

her diversion.

7. On her application for reinstatement of her license as a registered nurse following suspension or revocation received by the Board on May 14, 2013, Ms. Gregory answered “Yes” to the question of whether she has a mental, physical or chemical dependency condition which could interfere with her current ability to practice nursing.

8. Ms. Gregory admitted to a Department of Health Professions investigator on March 17, 2011, that she has been diagnosed with opiate dependence with physiological dependence, benzodiazepine abuse, and generalized anxiety disorder.

9. On her employment application for a registered nurse position at St. Mary’s Hospital, Leonardtown, Maryland, which she signed on July 23, 2012, and on her transfer application, which she signed January 23, 2013, Ms. Gregory falsely answered “No” to the question of whether she had ever had any action taken against her professional nursing license, when, in fact, her license to practice professional nursing in Virginia was mandatorily suspended on November 29, 2011. Ms. Gregory also falsely answered “No” to the question of whether she had been convicted of a felony or misdemeanor within the last seven years, when, in fact, she was convicted of felonies as indicated in Findings of Fact Nos. 3 and 4 above. Finally, Ms. Gregory falsely stated that she left the Portsmouth Naval Medical Center because she was no longer on active duty, when, in fact, she was no longer at the Portsmouth Naval Medical Center because of her diversion, impairment, and subsequent court martial convictions as indicated in Findings of Fact Nos. 3 and 4 above. Ms. Gregory resigned in lieu of termination from St. Mary’s Hospital for falsifying her application and for being in violation of her Rehabilitation contract with the Maryland Board of Nursing.

10. On her application for employment with DePaul Medical Center dated December 9, 2010, Ms. Gregory documented that her reason for leaving Portsmouth Naval Medical Center was that she “may be considered no longer fit for military service due to a health issue that does not affect my practice, but is out of military standard” when, in fact, Ms. Gregory was facing a court martial for diverting narcotic medication

and theft of military supplies.

11. On December 19, 2011, Sharp Memorial Hospital, San Diego, California, terminated Ms. Gregory's employment for unsafe medication and administration practices, which included pulling narcotics and wasting the entire amount on 30 occasions and pulling the incorrect higher dosages of narcotics when the correct, lower dosage was just as accessible.

12. On July 15, 2013, in the Superior Court of California, San Diego County, Ms. Gregory was convicted of the following three felonies: obtaining a controlled substance by fraud, identity theft, and second degree burglary. The court ordered Ms. Gregory to pay \$2,307.00 in fines and court costs and to follow the directions of the Maryland Board of Nursing. According to a letter dated August 4, 2013, submitted to the Board by Ms. Gregory, the convictions were the result of her diverting medications while employed at Kaiser Permanente, San Diego, California, in May 2012.

13. Ms. Gregory signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on July 26, 2013. She signed a Recovery Monitoring Contract with the HPMP on August 26, 2013. A compliance report from Ms. Gregory's HPMP case manager dated September 18, 2013, stated that Ms. Gregory has been compliant with her Recovery Monitoring Contract, but she is not currently safe to return to practice.

14. At the formal hearing, Ms. Gregory admitted to each of the Findings of Fact above and acknowledged her previous errors. She also admitted that she is an addict.

15. Ms. Gregory testified at the hearing that she is actively involved in recovery. Ms. Gregory testified that her family is a strong support system and she has a strong base of support in Narcotics Anonymous, which she attends three to four times a week. Her support base in Narcotics Anonymous includes a nurse who has recently completed the HPMP. She has had her current sponsor since July 2013. She also testified that she will be attending counseling sessions once a week starting the week of the formal hearing.

16. Ms. Gregory testified that nursing is what she is supposed to do, and she must find a way to practice nursing safely. She testified that the practice of nursing is a privilege and not a right, and that she needs to treat the practice of nursing that way.

17. Ms. Gregory testified that if her license is reinstated she would like to work with pediatrics, but she will not work until she is approved by HPMP; she testified that she will do whatever HPMP instructs her to do.

18. Ms Gregory testified that she has been clean and sober since May 21, 2012.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (4), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (4), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(7) of the Code.
4. Finding of Fact No. 6 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.
5. Findings of Fact Nos. 7 and 8 constitute a violation of § 54.1-3007(6) of the Code.
6. Findings of Fact Nos. 9 and 10 constitute 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, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Tricia N. Gregory for reinstatement of License No. 0001-224352 to practice

professional nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Tricia Gregory be CONTINUED on INDEFINITE SUSPENSION. At such time as she shall petition the Board for reinstatement of her license, a hearing will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.

2. The license shall be recorded as suspended.

3. This Order shall be applicable to Ms. Gregory's multistate licensure privileges, if any, to practice professional nursing.

4. Said suspension shall be STAYED upon the condition that she remains compliant with the terms of the HPMP and the following terms and conditions:

a. Ms. Gregory 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 Ms. Gregory, 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. Gregory 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.

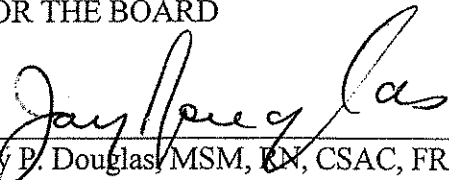
5. Upon receipt of evidence of Ms. Gregory's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Gregory's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted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

6. This Order shall be applicable to Ms. Gregory's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Gregory 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.


7. Ms. Gregory 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 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 on request.

FOR THE BOARD

  
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Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

October 8<sup>th</sup>, 2013  
\_\_\_\_\_  
ENTERED

**Certified True Copy**  
By   
\_\_\_\_\_  
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, 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. 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.