

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

AMENDED NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Tricia N. Gregory, R.N., who, prior to its mandatory suspension by the Department of Health Professions on November 29, 2011, held License No. 0001-224352, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing (“Board”). The hearing will be held on September 19, 2013, at 11:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Gregory will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Gregory has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Gregory desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Gregory’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Gregory may have violated certain laws and regulations governing nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Gregory, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice of professional nursing in Virginia.

Pursuant to § 54.1-2409(D) of the Code, reinstatement of Ms. Gregory's license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges:

1. Tricia N. Gregory, R.N., may have violated § 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") in that on or about July 14, 2011, she was convicted of seven felony counts at a General Court Martial of the United States Navy at the Region 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 Allegation No. 2 below were the basis of her mandatory suspension in Virginia.

2. Ms. Gregory may have violated § 54.1-3007(2), (4), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that on or about July 14, 2011, at a General Court Martial of the United States Navy at the Region Legal Service Office Mid-Atlantic, Norfolk, Virginia, she was convicted of a felony count of culpable negligence based on findings that at the Portsmouth Naval Medical Center, Portsmouth, Virginia, on or about 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.

3. Ms. Gregory may have violated § 54.1-3007(7) of the Code in that on or about February 15, 2013, the California Board of Registered Nursing accepted her 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 Allegations Nos. 1 and 2 above.

4. Ms. Gregory may have violated § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations in that on or about March 15, 2011, by her own admission, during the course of her employment with DePaul Medical Center, Norfolk, Virginia, she diverted Ativan (Schedule IV) from patient supplies for her personal and unauthorized use.

5. Ms. Gregory may have violated § 54.1-3007(6) of the Code in that she may be unsafe to practice professional nursing due to substance abuse and mental illness as evidenced by Allegation Nos. 1, 2, and 4 above and the following:

a. On her application for reinstatement of her license as a registered nurse following suspension or revocation received by the Board on May 14, 2013, she 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.

b. She 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.

6. Ms. Gregory may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that:

a. On her employment application for a registered nurse position at St. Mary’s Hospital, Leonardtown, Maryland, she signed on July 23, 2012, and on her transfer application 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

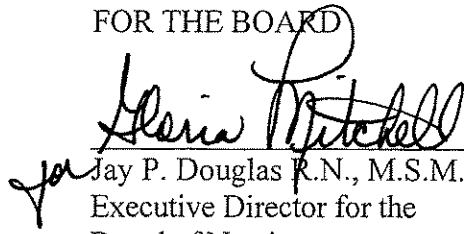
of whether she had been convicted of a felony or misdemeanor within the last seven years, when, in fact, she was convicted of felonies as indicated in Allegation Nos. 1 and 2 above. Finally, Ms. Gregory falsely stated that she left the Portsmouth Naval Medical Center because she was no longer on active 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 Allegation Nos. 1 and 2 above.

b. On her application for employment with DePaul Medical Center dated December 9, 2010, she 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.

7. Ms. Gregory may have violated § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations in that on her application for licensure by endorsement received by the Board on May 11, 2010, she falsely answered “No” to the question of whether she has ever been convicted of a felony or a misdemeanor, when, in fact, she has been convicted of a misdemeanor as stated in Allegation No. 8 below.

8. Ms. Gregory may have violated § 54.1-3007(4) of the Code in that on or about July 3, 1997, she was convicted of theft in the U.S. District Court for the Western District of Oklahoma, a misdemeanor involving moral turpitude.

FOR THE BOARD


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

ENTERED: August 16, 2013