

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JOYCE OUTEN, R.N.

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 April 22, 2009, in Henrico County, Virginia. Joyce Outen, R.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 22, 2009, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Outen was not present nor was she represented by legal counsel. Ms. Outen submitted written comments/objections.

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. Joyce Outen, R.N., was issued License No. 0001-206736 to practice professional nursing in Virginia on May 29, 2007. The license is set to expire on January 31, 2010.
2. By letter dated April 8, 2009, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Outen notifying her that an informal conference would be held on April 22, 2009. The Notice was sent by certified and first class mail to 5351 Palmer Lane, Williamsburg, Virginia 23188, the address of record on file with the Board of Nursing. A certified mail receipt signed April 9, 2009, was returned to the Board. The Agency Subordinate concluded that Ms. Outen received adequate notice and the informal conference proceeded in her absence.

3. During the course of her employment with Sentara Williamsburg Orthopaedic Associates, Williamsburg, Virginia, between November 20, 2004, and July 15, 2005, Ms. Outen obtained by fraud 360 tablets of hydrocodone/APAP 5-500mg (Vicodin, Schedule III), by phoning in prescriptions for herself, with the staff physician as the ordering party without his knowledge or authorization. Ms. Outen admitted to the special agent from the Virginia State Police that she called in and fraudulently obtained drugs for her own personal use.

4. On Ms. Outen's application for licensure by examination as a professional nurse, received by the Board on March 22, 2007:

a. She answered "No" to question 3d, "Have you ever been convicted, pled guilty to or pled Nolo Contendere to any violation of any federal, state or other statute or ordinance constituting a felony or misdemeanor? (Including convictions for driving under the influence, but excluding traffic violations?" when, in fact, on August 21, 2006, Ms. Outen pled guilty to Obtaining Drugs by Fraud in the Circuit Court of the City of Williamsburg and County of James City, Virginia.

b. She answered "No" to question 3e, "Do you have a mental, physical, or chemical dependency condition which could interfere with your current ability to practice nursing?" when, in fact, Ms. Outen was diagnosed with opioid dependence and completed a 16-week outpatient substance abuse program, which she acknowledged to the investigator for the Department of Health Professions on October 15 and December 2, 2008.

5. Ms. Outen failed to disclose on her application to her current employer, Bon Secours Mary Immaculate Hospital, Newport News, Virginia, her termination from Sentara Williamsburg Orthopaedic Associates, Williamsburg, Virginia, for obtaining medication by fraud.

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 (“Regulations”).

2. Findings of Fact #4a and 4b constitute a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-1206736 of Joyce Outen, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. At such time as Ms. Outen shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Outen 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.

Since Ms. Outen failed to appear at the informal conference, this Order shall be considered final. Ms. Outen 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, Ms. Outen has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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.

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.

FOR THE BOARD

Jay Douglas

Jay P. Douglas, R.N., M.S.M., C.S.A.C.

Executive Director

Board of Nursing

Entered: August 5th, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Joyce Outen, R.N., at 5351 Palmer Lane, Williamsburg, Virginia 23188.

Jay Douglas

Jay P. Douglas, R.N., M.S.M., C.S.A.C.

Executive Director

Board of Nursing

August 5th, 2009

DATE

Certified True Copy

By *draham*

Virginia Board of Nursing