

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JOYCE OUTEN, R.N.
 License No.: 0001-206736**

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 June 18, 2013, in Henrico County, Virginia. Joyce Outen, R.N., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 18, 2013, 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.

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. Said license was indefinitely suspended by the Board on August 5, 2009, reinstated by the Board on August 28, 2012, and is scheduled to expire on January 31, 2014. Ms. Outen's primary state of residence is Virginia.

2. By letter dated May 23, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Outen notifying her that an informal conference would be held on June 18, 2013. 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. The receipt for the Notice sent via certified mail was

signed by a third party on May 25, 2013, and returned to the Board office on May 29, 2013. The Notice sent via first-class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Outen, and the informal conference proceeded in her absence.

3. On August 28, 2012, the Board entered an Order (“Board’s Order”) reinstating Ms. Outen’s license to practice professional nursing, contingent upon proof of her entry into a contract with the Health Practitioners’ Monitoring Program (“HPMP”) within 30 days of the entry of the Order. Term No. 3(b) of the Board’s Order required Ms. Outen to comply with all terms and conditions of the HPMP.

4. Ms. Outen signed a Participation Contract with the HPMP on September 17, 2012.

5. Ms. Outen failed to attend the HPMP orientation on November 5, 2012, and she failed to respond to any of her case manager’s telephone calls and written attempts to contact her.

6. Ms. Outen was dismissed from the HPMP on December 5, 2012, for noncompliance, including failure to attend scheduled orientation, failure to respond to phone calls and written correspondence.

7. Ms. Outen failed to respond to any of the Department of Health Professions’ investigator’s attempts to contact her.

CONCLUSIONS OF LAW

Finding of Fact No. 6 constitutes a violation of Term No. 3(b) of the Board’s Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Joyce Outen, R.N., is hereby REPRIMANDED.
2. License No. 0001-206736 of Joyce Outen, R.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Outen shall petition the Board for reinstatement of her license, an

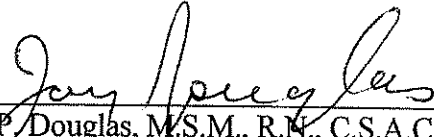
administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Outen shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

5. This suspension applies to any multistate privilege to practice professional nursing.

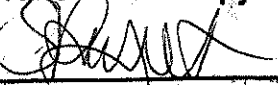
Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Since 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, 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:


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: October 2nd, 2013