

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on August 7, 2012, in Henrico County, Virginia, to receive and act upon Joyce Outen’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Outen may have violated certain laws and regulations governing professional nursing practice in Virginia. Ms. Outen was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Joyce Outen was issued License No. 0001-206736 to practice professional nursing in the Commonwealth of Virginia on May 29, 2007. Said license was suspended by Order of the Board entered on August 5, 2009. Her primary state of residence is Virginia
2. By letter dated July 10, 2012, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Outen notifying her that an informal conference would be held on August 7, 2012. The Notice was sent by certified and first class mail to 5351 Palmer Lane, Williamsburg, Virginia 23118, the address of record on file with the Board of Nursing.
3. Ms. Outen submitted an application for reinstatement of her license to practice professional nursing, which was received by the Board on November 1, 2011.

4. On Ms. Outen’s application for reinstatement of a license as a registered nurse following suspension or revocation, received by the Board on November 1, 2011, she answered “No” to the question “Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing?” when, in fact, after a 16-week outpatient substance abuse program at The Counseling Center, Williamsburg, Virginia, Ms. Outen was diagnosed with opioid dependence at discharge on January 11, 2007.

5. At the informal conference, Ms. Outen stated that she has not had an opioid since 2005, and that she has no desire for opioids. In addition, she stated that she is not on any prescribed medications, and she has not attended Alcoholics Anonymous or Narcotics Anonymous since she completed her court-ordered treatment.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(1) and (6) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing.

2. Based on the above Findings of Fact, the Committee concludes that Joyce Outen is a candidate for the Health Practitioners’ Monitoring Program (“HPMP”).

3. The Board concludes that Ms. Outen has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The license of Joyce Outen shall be REINSTATED with a valid in Virginia only license, contingent upon proof of her entry into a contract with the HPMP, pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, within 30 days of the date this

Order is entered. Thereafter, Ms. Outen shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

2. This order shall be applicable to Ms. Outen's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Outen shall not work outside 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 Ms. Outen wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Outen and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Outen shall be noticed to appear before the Board at such time as the Board is notified that:


- a. Ms. Outen has failed to make application to the HPMP;
- b. Ms. Outen is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against Ms. Outen involving a violation of law or regulation or any term or condition of this Order; or
- d. Ms. Outen has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Outen's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Outen's appearance before the Board and conduct an administrative review of this matter.

4. Ms. Outen 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.

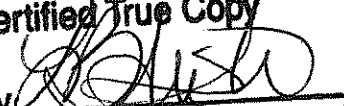
Pursuant to Section 54.1-2400(10) of the Code, Ms. Outen may, not later than 5:00 p.m., on **October 1, 2012**, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:


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

ENTERED: August 28, 2012

This Order shall become final on **October 1, 2012**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing