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VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Department of Health Professions

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9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

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Dianne L. Reynolds-Cane, M.D.
Director

March 12, 2013

Grace E. Emah
8416 McKenzie Circle
Manassas, VA 20110

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 3/12/13

RE: License No.: 0001-198232

Dear Ms. Emah:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered March 12, 2013. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

Enclosures
Case # 146617

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: GRACE E. EMAH, R.N.
License Nos.: 0001-198232**

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the Maryland Board of Nursing revoked both the license of Grace E. Emah, R.N., to practice as a registered nurse in the State of Maryland and her privilege to practice nursing through the Nurse Licensure Compact in the State of Maryland by a Final Decision and Order of Revocation entered August 30, 2012. A certified copy of the Final Decision and Order of Revocation is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Grace E. Emah, R.N., to practice as a professional nurse in the Commonwealth of Virginia be, and hereby is SUSPENDED.

Upon entry of this Order, the license of Grace E. Emah, R.N., will be recorded as suspended. Should Ms. Emah seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.

D. Reynolds-Cane MD

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: _____ *3-12-13*



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

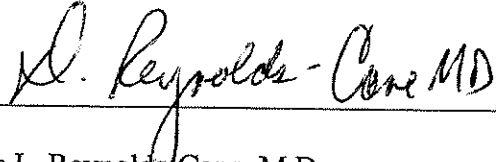
Department of Health Professions

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CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Final Decision and Order of Revocation entered August 30, 2012, regarding Grace E. Emah, R.N., are true copies of the records received from the State of Maryland Board of Nursing.



Dianne L. Reynolds-Cane, M.D.

Date: 3-12-13

IN THE MATTER OF

*

BEFORE THE

GRACE EMAH

*

MARYLAND BOARD

LICENSE # R170544 /
MULTISTATE PRIVILEGE

*

OF NURSING

*

*

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FINAL DECISION AND ORDER OF REVOCATION

I. PROCEDURAL BACKGROUND

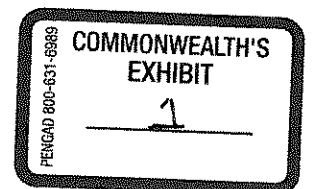
In March 2010, the Maryland Board of Nursing (the "Board") was notified that the Virginia Board of Nursing had disciplined the registered nursing license of Grace Emah (the "Respondent"). Upon receipt of that information, the Board initiated an investigation. Based on the information provided to the Board during the investigation, by letter to the Respondent dated January 26, 2012 (the "Charges"), the Board charged both the Respondent's Maryland license to practice as a registered nurse, as well as her Multistate Licensing Privilege, with violations of the Nurse Practice Act, specifically Md. Code Ann., Health Occ. ("H.O."), §§ 8-316(a):

(3) Is disciplined by a licensing, military, or disciplinary authority in this State or in any other state or country or convicted or disciplined by a court in this state or in any other state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; specifically, H.O. §§ 8-316(a):

(8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing; and

(25) Engages in conduct that violates the professional code of ethics; specifically:

COMAR 10.27.19.02.A(3): A nurse shall...[a]ct to safeguard a client and the public if health care and safety are affected by the incompetent, unethical, or illegal practice of any person;



(28) After failing to renew a license or after a temporary license has lapsed, commits any act that would be grounds for disciplinary action under this section; specifically H.O. § 8-316(a):

(8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing;

(25) Engages in conduct that violates the professional code of ethics; specifically:

COMAR 10.27.19.02.A.(3): A nurse shall...[a]ct to safeguard a client and the public if health care and safety are affected by the incompetent, unethical, or illegal practice of any person.

The Charges also notified the Respondent of her opportunity to request an evidentiary hearing before the Board regarding the Board's Charges against her. The Charges further advised that if the Respondent failed to request a hearing within thirty (30) days of the date of the Charges, the Respondent waived her right to a hearing. The Charges advised that in the event of such a waiver, the Board would issue a default order pursuant to § 10-210(4) of the Administrative Procedure Act, Md. Code Ann., State Gov't §§ 10-201, et seq., wherein the Board could, pursuant to H.O. § 8-316, sanction the Respondent's license. The Respondent failed to request a hearing. On April 24, 2012, a quorum of the Board was present and a default proceeding was held. Tracy Bull, administrative prosecutor, presented the case on behalf of the State of Maryland.

II. FINDINGS OF FACT

The Board makes the following findings of fact based upon the entirety of the record:

1. At all times relevant, the Respondent was licensed to practice as a registered nurse (“RN”) in the State of Maryland. The Respondent’s RN license was issued by the Board on August 12, 2005. At present, the Respondent’s Maryland RN license is currently non-renewed, having expired on June 28, 2006.

2. On September 14, 2005, the Virginia Board of Nursing (the “Virginia Board”) issued the Respondent a license to practice registered nursing, Virginia License Number 0001198232. Based on the Respondent’s licensure in Virginia, the Respondent, in accordance with the Multistate Licensure Compact, H.O. §§ 8-7A-01 *et seq.*, specifically H.O. § 8-7A-01(4) (“A license to practice registered nursing issued by a home state to a resident of that state will be recognized by each party state as authorization for a multistate licensing privilege to practice as a registered nurse in a party state”), may also practice in the State of Maryland based on the Multistate Licensing Privilege.

3. On or about March 3, 2010, the Maryland Board was notified that the Virginia Board of Nursing had taken disciplinary action against the Respondent’s Virginia nursing license. The Board initiated an investigation.

4. On December 30, 2009, the Virginia Board issued a “Notice of Hearing and Statement of Particulars” (hereinafter the “Statement”) to the Respondent regarding her Virginia nursing license. In its Statement, the Virginia Board alleged that the Respondent violated “Regulations Governing the Practice of Nursing while working as a nurse in Prince William Hospital in Manassas, Virginia” in 2008 and 2009.

5. An administrative hearing was held before a panel of the Virginia Board on January 28, 2010 regarding the allegations. As a result of the hearing, on February 12, 2010, the Virginia Board issued an Order (“Virginia Order”) placing the Respondent’s Virginia nursing license on a probationary status for a period of not less than one year.

6. According to the Virginia Order, the Virginia Board made the following findings of fact regarding the Respondent’s nursing practice:

a. On June 16, 2008, the Respondent removed one 0.5 mg tablet of Alprazolam¹ from the Pyxis.² There was no documentation that the Respondent administered the medication to the patient, returned to the Pyxis, or wasted³ it.

b. On September 4, 2008, the Respondent failed to document lab orders for a patient.

c. On September 9, 2008, the Respondent failed to follow physician orders for her assigned patient scheduled for surgery and failed to complete pre-operative paperwork for the patient.

d. After her initial 90 day orientation, the Respondent was placed on an extended orientation from July 7, 2008 to August 7, 2008 to specifically address her deficiencies in documentation of medication administration.

e. On January 29, 2009, the Respondent was suspended from employment at Prince William Hospital for failing to document medication administration in two separate incidents. A Pyxis audit showed that between December 15, 2008 and January 16, 2009, the Respondent had withdrawn medications on 12 separate occasions and

¹ Alprazolam (trade name Xanax) is a benzodiazepine which depresses subcortical levels of the central nervous system. It is a Schedule IV controlled substance used to treat anxiety, panic disorders and anxiety with depressive symptoms.

² Pyxis is an automated drug-dispensing device that contains narcotics and other medications. Each time it is accessed, it records information including name of medication, dose, time of withdrawal, return of medication (if it is not used), patient name and identification of nurse accessing the medication. Each nurse has his/her own code or password to gain access to the medications.

³ Properly “wasting” a medication means disposing of the unused portion of the drug, typically with a witness who observes the disposal, and recording the wasting pursuant to facility policy.

failed to document the administration, return, or waste of the medications. The Respondent was terminated from her employment at Prince William Hospital on February 10, 2009 for failure to adhere to the hospital's policy regarding medication administration.

7. The Virginia Board concluded as a matter of law that Respondent violated Section 54.1-3007(5) of the Code of Virginia (1950) and ordered that Respondent be placed on an "indefinite" probation for "not less than one year of actual nursing employment" subject to terms and conditions enumerated in the Virginia Order. The Code of Virginia (1950) § 54.1-3007 states in relevant part:

...the Board may place [a licensee] on probation for such time as it may designate for any of the following causes:

...

(5) Practicing in a manner contrary to the standards of ethics or in such a manner as to make (her) practice a danger to the health and welfare of patients or to the public...

8. The Board has statutory authority pursuant to H.O. § 8-316(a)(3) to take disciplinary action against any licensee who has been disciplined by a licensing authority in any other state for an act or acts that would be grounds for disciplinary action under the Board's disciplinary statutes.

9. According to the findings of fact in the Virginia Order, the Respondent failed to account for repeated medication administration discrepancies, failed to document patient lab orders, and failed to follow a physician's orders. Based on these acts, the Virginia Board concluded that the Respondent violated section 53-1-3007(5) of the Virginia Code. Based on this conclusion of law, the Virginia Board placed the Respondent on an indefinite probation.

10. The Board finds that both the February 12, 2010 Order issued by the Virginia Board of Nursing constitutes discipline within the meaning of H.O. § 8-316(a)(3). Furthermore, because

the Respondent committed acts that were inconsistent with generally accepted standards in the practice of nursing, the Board finds that the Respondent's Virginia nursing license was disciplined for acts that would be grounds for disciplinary action under H.O. § 8-316(a)(8) ("Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing"). The Board finds that there was no evidence in the record that the Respondent's license was disciplined for acts that would be grounds for disciplinary action under H.O. § 8-316(a)(25).

11. The Respondent was disciplined in Virginia for acts that occurred in 2008 and 2009. According to Maryland Board records, the Respondent's license as an RN in Maryland has been non-renewed since June 28, 2006. Thus, because the Virginia Board order was issued after the Respondent failed to renew her Maryland RN license and the Respondent's acts constituted a violation of H.O. § 8-316(a)(8), the Board finds that the Respondent violated H.O. § 8-316(a)(28). The Board finds that there was no evidence in the record that the Respondent violated H.O. § 8-316(a)(25) after she failed to renew her Maryland RN license.

III. CONCLUSIONS OF LAW

Under the Nurse Practice Act, the Board, acting as a party state to the Nurse Multistate Licensure Compact, may take action against the multistate licensing privilege of any nurse within the State. Md. Code Ann., Health Occ. § 8-7A-01(5) ("Party states may... limit or revoke the multistate licensing privilege of any nurse to practice in the state and may take any other actions under the applicable state laws necessary to protect the health and safety of the citizens of the party state."). Furthermore, nurses practicing under the Nurse Multistate Licensure Compact in party states with a multistate licensing privilege are obliged to comply with the practice laws of that state. *See* Md. Code Ann., Health Occ. § 8-7A-01(6)(a) ("Every nurse practicing in a party state must comply with

the state practice laws of the state in which the patient is located at the time that care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all practices of nursing, as defined by the laws of a party state.”).

In this case, based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. § 8-316(a) as follows:

(3) Is disciplined by a licensing, military, or disciplinary authority in this State or in any other state or country or convicted or disciplined by a court in this State or in any other state or country for an act that would be disciplinary action under the Board’s disciplinary statutes; and

(28) After failing to renew a license or after a temporary license has lapsed, commits any act that would be grounds for disciplinary action under this section.

IV. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the license of Grace Imah (the “Respondent”) to practice as a registered nurse in the State of Maryland is hereby **REVOKED**; and be it further

ORDERED that the multistate licensing privilege of the Respondent to practice registered nursing in the State of Maryland is hereby **REVOKED**; and be it further

ORDERED that this document is a **PUBLIC DOCUMENT** under Md. Code Ann., State Gov’t § 10-617(h) (2009 Repl. Vol.).

August 30, 2012
Date

Patricia A. Noble
The Executive Director’s Signature
Appears on the Original Document

Patricia A. Noble
Maryland Board of Nursing

Director

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Code Ann., Health Occ. § 8-316 may take a direct judicial appeal within thirty (30) days as provided by Md. Code Ann., Health Occ. § 8-317, Md. Code Ann., State Gov't § 10-222, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").