

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JENNIFER L. JONES, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-083823

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 16, 2013, in Henrico County, Virginia, to receive and act upon the application of Jennifer L. Jones for reinstatement of her license to practice practical nursing in Virginia, which was mandatorily suspended by the Department of Health Professions on May 31, 2012, and to inquire into evidence that Ms. Jones may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Jones was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Jennifer L. Jones was issued License No. 0002-083823 to practice practical nursing in the Commonwealth of Virginia on November 24, 2010. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on May 31, 2012. Her primary state of residence is Virginia. By Order of the Board entered May 29, 2012, Ms. Jones' license to practice practical nursing was indefinitely suspended for diverting Ativan and Septra while employed at Western Tidewater Regional Jail, Suffolk, Virginia.

2. Although Ms. Jones received the Notice of Formal Hearing, she did not receive the

Commonwealth's exhibits through certified mail. Ms. Jones did not receive a notice that certified mail was available for her at the post office. The Board offered to continue the hearing to provide Ms. Jones time to review the exhibits. However, Ms. Jones wished to proceed with the scheduled hearing.

3. Ms. Jones submitted an application for reinstatement of her license to the Board on May 21, 2013.

4. On April 19, 2012, in the Circuit Court of the City of Suffolk, Virginia:

a. Ms. Jones was convicted of obtaining prescription drugs by fraud, a felony. Said conviction formed the basis of the mandatory suspension of Ms. Jones' license. Ms. Jones was sentenced to five years incarceration, suspended for a period of three years, and placed on supervised probation for three years with terms and conditions to include substance abuse counseling and/or testing.

b. Ms. Jones was convicted of possession of a Schedule III or IV drug, a misdemeanor. She was sentenced to 12 months incarceration, suspended for a period of three years, and placed on supervised probation for three years with terms and conditions to include substance abuse counseling and/or testing.

5. Ms. Jones testified that she has paid all court fines and satisfied the judgment of the Circuit Court of the City of Suffolk. She continues with substance abuse counseling; her probation is scheduled to end in 2015.

6. During the course of her employment with Conmed Healthcare Management, Virginia Beach Correctional Center:

a. On September 27, 2011, Ms. Jones documented administering a ceftriaxone injection to Individual A and administering Ativan (lorazepam, Schedule IV) to Individual B, but failed to do so. Ms. Jones testified that the injection was mistakenly missed, not diverted.

b. On September 12, 2011, Ms. Jones administered methocarbamol 500mg and ibuprofen 800mg to two inmates without an order and outside of the facility's nursing protocol. Ms. Jones testified

that, at the time, her employer was undergoing a change of management and procedures, and that there was confusion regarding proper practices. Ms. Jones testified that she did not recall being disciplined for these two instances. When presented with disciplinary forms regarding these instances, she did recall being disciplined.

7. Ms. Jones' employment with Conmed Healthcare Management was terminated effective September 29, 2011.

8. On the employment application for Conmed Healthcare Management dated August 7, 2011, Ms. Jones failed to reveal her employment at Western Tidewater Regional Jail and reason for leaving. Ms. Jones testified that the reason behind this was that the person interviewing her knew of her correctional facility experience and hired her immediately. She testified she did not intentionally leave her employment at Western Tidewater Regional Jail off of the application.

9. Ms. Jones entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on June 27, 2013, wherein she acknowledged having substance abuse and mental illness which requires medication and treatment. Ms. Jones signed a Recovery Monitoring Contract with the HPMP on September 9, 2013. Ms. Jones continues to attend counseling sessions regarding situational depression, and testified that she does not believe her situational depression would interfere with her current ability to practice nursing. Ms. Jones testified that she was regularly attending Narcotics Anonymous ("NA") and Caduceus meetings. Ms. Jones presented evidence that she is attending NA meetings.

10. Ms. Jones reported a sobriety date of May 22, 2012. Ms. Jones testified that she last used marijuana on May 21, 2012. Turning Point Intensive Outpatient Program noted a history of Ativan usage of five tablets a day for one and a half years; however, Ms. Jones testified that those outpatient treatment forms were incorrect.

11. Ms. Jones reported her support system consists of her husband, who is also a nurse, family, friends, and a large church group.

12. Ms. Jones testified that she is not currently employed. She last practiced as a practical nurse in May 2012.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 4(a) constitutes a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 6(a) constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing (“Regulations”).
3. Finding of Fact No. 6(b) constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(a) of the Regulations.
4. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.
5. Finding of Fact No. 9 constitutes a violation of § 54.1-3007(6) of the Code.
6. Ms. Jones has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Jennifer L. Jones for reinstatement of License No. 0002-083823 to practice practical nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Jennifer L. Jones be CONTINUED on INDEFINITE SUSPENSION.
2. Said suspension shall be STAYED upon the condition that Ms. Jones remains compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:
 - a. Ms. Jones shall comply with all terms and conditions for the period specified by the

HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Jennifer L. Jones, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Jones is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

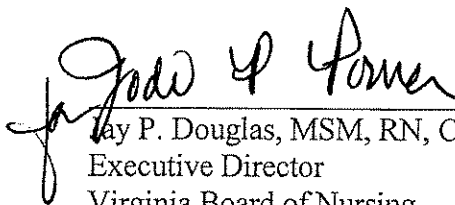
ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

3. Upon receipt of evidence of Ms. Jones' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Jones' appearance at an administrative proceeding, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

4. This Order shall be applicable to Ms. Jones' multistate licensure privileges, if any, to practice practical nursing. It is further ordered that for the duration of this Order, Ms. Jones may not work outside of 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 she wishes to work.

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.

FOR THE BOARD




Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

September 27, 2013
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy
By 
Virginia Board of Nursing