

SEP 21 2012
VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**PAMELA SICKAL, R.N.
License No.: 0001-227385**

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on August 13, 2012, in Henrico County, Virginia, to inquire into evidence that Pamela Sickal, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Sickal was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Pamela Sickal, R.N., was issued License No. 0001-227385 to practice professional nursing in the Commonwealth of Virginia on September 28, 2010. Said license expires on December 31, 2012. Ms. Sickal's primary state of residence is Virginia.
2. By letter dated July 20, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Sickal notifying her that an informal conference would be held on August 13, 2012. The Notice was sent by certified and first class mail to 101 Langford Lane, Water View, Virginia 23180, the address of record on file with the Board of Nursing.
3. During the course of her employment with Hospice of Virginia, between January and April 2012, Ms. Sickal diverted patients' narcotic medications for her personal and unauthorized use. Further, Ms. Sickal altered the remaining liquid morphine in the bottles in order to mask the diversion. Specifically:

- a. On April 9, 2012, Ms. Sickal diverted liquid morphine sulfate (C-II) from Patient A and altered the remaining liquid morphine sulfate to mask the diversion.
 - b. On April 17, 2012, Ms. Sickal diverted liquid morphine sulfate from Patient B and altered the remaining liquid morphine sulfate to mask the diversion.
 - c. On April 20, 2012, Ms. Sickal diverted liquid morphine sulfate from Patient C and altered the remaining liquid morphine sulfate to mask the diversion.
 - d. On April 20, 2012, Ms. Sickal diverted liquid morphine sulfate from Patient D and altered the remaining liquid morphine sulfate to mask the diversion.
 - e. On April 23, 2012, Ms. Sickal diverted Dilaudid 4mg tablets (hydromorphone, Schedule II) and liquid morphine sulfate from Patient E. Ms. Sickal altered the remaining liquid morphine sulfate to mask the diversion.
4. On April 28, 2012, Ms. Sickal presented to the emergency department of Rappahannock General Hospital, Kilmarnock, Virginia, with pain and swelling of her left arm. The emergency department staff observed multiple markings on her upper extremities. Due to suspicious markings on her arm, a urine drug screen was performed during this visit and was positive for opiates. On April 30, 2012, Ms. Sickal returned to the emergency department with vomiting and worsening of the swelling of her arm, for which she was diagnosed with an abscess and required admittance to a contact isolation room. The attending physician found evidence of intravenous drug use and scars that were consistent with track marks. The physician performing the incision and drainage of the abscess reported that he had a difficult time sedating her. Further, as the area of her abscess improved, Ms. Sickal continued to request IV Dilaudid (C-II).
5. At the informal conference, Ms. Sickal admitted that she took the medications from her clients. She stated that she drank the liquid medications then filled the bottles with water to the previous levels.

6. Ms. Sickal stated that she last took pain medications on May 25, 2012. Ms. Sickal stated that she was not a good nurse while she was taking drugs. Ms. Sickal stated that she put herself before her clients. Ms. Sickal stated that she has contacted the Health Practitioners' Monitoring Program ("HPMP") and has the paper work ready to mail to them.

7. Ms. Sickal stated that she does not attend Alcoholics Anonymous or Narcotics Anonymous. Ms. Sickal stated that she went through withdrawal "cold turkey." Ms. Sickal stated that she does not want to relapse.

CONCLUSIONS OF LAW

1. Findings of Fact No. 3(a) through 3(e) constitute a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (f) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Pamela Sickal, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0001-227385 of Pamela Sickal to practice professional nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Sickal 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. Sickal 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.
4. This suspension applies to any multistate privilege to practice professional nursing in the Commonwealth of Virginia.
5. This suspension shall be STAYED upon proof of Ms Sickal's entry into the HPMP and compliance with a Recovery Monitoring Contract. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Sickal 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 Ms. Sickal, and an administrative proceeding shall be held to determine 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. Sickal is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Sickal's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Sickal involving a violation of law, regulation, or any term or condition of this order.

c. Ms. Sickal has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Sickal's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Sickal's appearance before the Board and conduct an administrative review of this matter.

6. This Order is applicable to Ms. Sickal's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Sickal shall 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 Ms. Sickal wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

7. Ms. Sickal 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 upon request.

FOR THE BOARD

Patricia M. Selig

Patricia M. Selig, R.N., F.N.P., Ph.D.
President, Virginia Board of Nursing

ENTERED: 11/14/12

SEEN AND AGREED TO:

P. Sickal, RN
Pamela Sickal, R.N.

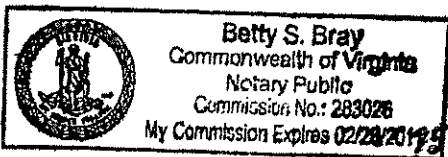
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Middlesex, TO WIT:

Subscribed and sworn to before me, Betty S. Bray, a Notary Public, this 14 day of September, 2012.

My commission expires 2/28/2015

Registration Number 283026

Betty S. Bray
NOTARY PUBLIC



Certified True Copy

By [Signature]
Virginia Board of Nursing