

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: TINA J. DRY, R.N.
License No.: 0001-106237**

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 May 20, 2015, in Henrico County, Virginia, to inquire into evidence that Tina J. Dry, R.N., may have violated certain terms and conditions imposed on her as set forth in a Consent Order of the Board entered July 17, 2013, and certain laws governing the practice of nursing. The case was presented by Amanda E. M. Blount, Adjudication Specialist, Administrative Proceedings Division. James Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Dry was not 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. Tina J. Dry, R.N., held License No. 0001-106237 to practice professional nursing in the Commonwealth of Virginia, which was issued on August 17, 1987. Her primary state of residence is Virginia. By Consent Order of the Board entered July 17, 2013, Ms. Dry's license to practice professional nursing in the Commonwealth of Virginia was indefinitely suspended with said suspension stayed contingent upon her compliance with all terms and conditions of the Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP. This action was

based on findings related to Ms. Dry's history of substance abuse, consumption of Percocet for which she did not have a current prescription, diversion of a family member's oxycodone for her personal use, and impairment while on duty during the course of her employment with MCV Hospital of the VCU Health System, Richmond, Virginia. The stay of indefinite suspension was thereafter summarily rescinded on January 22, 2015, pursuant to a notice of Ms. Dry's dismissal from the HPMP on December 16, 2014.

2. Based on the representations of Amanda E. M. Blount, Adjudication Specialist, and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Statement of Particulars and Affidavit of Mailing dated April 17, 2015, and the Allegation Summary Worksheet, the presiding officer ruled that adequate notice was provided to Ms. Dry and the hearing proceeded in her absence.

3. On December 16, 2014, Ms. Dry was dismissed from the HPMP for noncompliance due to her continued use of alcohol and tramadol (Schedule IV), failure to comply with the toxicology screening program, and receipt of her letter of resignation from the HPMP.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 5 of the Consent Order entered July 17, 2013.

ORDER

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

1. Tina J. Dry, R.N., is hereby REPRIMANDED.
2. License No. 0001-106237 issued to Tina J. Dry, R.N., to practice professional nursing in the Commonwealth of Virginia is CONTINUED on INDEFINITE SUSPENSION for a period of not less than two years.


3. The license of Ms. Dry will be recorded as SUSPENDED. Should Ms. Dry seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

4. At such time as Ms. Dry shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice as a professional nurse.

5. This Order shall be applicable to Ms. Dry's multistate licensure privileges, if any, to practice professional nursing.

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


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

June 25, 2015
ENTERED

Certified True Copy

By dgraham
Virginia Board Of Nursing

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, MSM, RN, CSAC, FRE, 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.