

VIRGINIA**BEFORE THE BOARD OF NURSING****IN RE: HOLLIE DAWN MCDANIELS RINER, R.N. APPLICANT****ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended, ("Code"), an informal conference was held before an Informal Conference Committee of the Board of Nursing ("Committee") on June 28, 2010, in Henrico County, Virginia, to receive and act upon the application of Hollie Dawn McDaniels Riner for licensure by endorsement as a professional nurse in the Commonwealth of Virginia and to inquire into evidence that she may have violated certain laws and regulations governing professional nursing practice in Virginia. Ms. Riner was present and was not represented by counsel.

On July 20, 2010, the Board met to receive and act upon the Recommended Decision of the Committee. Ms. Riner was not present and was not represented by legal counsel. Ms. Riner submitted written comments.

Based upon its review of the Recommended Decision of the Committee, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. In August 2008, Ms. Riner submitted an application to the Virginia Board of Nursing for licensure by endorsement, and the Board denied the application by Order entered February 12, 2009, on the grounds that Ms. Riner was not compliant with her impaired nurse treatment program contract with the West Virginia Board.

2. Ms. Riner submitted a second application for licensure by endorsement as a professional nurse on September 22, 2009.

3. By letter dated June 1, 2010, the Board sent a Notice of Informal Conference to Hollie Dawn McDaniels Riner, notifying her that an informal conference would be held on June 28, 2010. The notice was sent by certified and first class mail to P.O. Box 92, Bacova, Virginia 24412, the address of record on file with the Board. The certified mail receipt was signed for by Ms. Riner and returned to the Board on June 9, 2010. The Notice sent via first class mail was not returned to the Board.

4. On October 3, 2007, the West Virginia Board of Examiners for Registered Professional Nurses ("West Virginia Board") suspended Ms. Riner's license to practice professional nursing for noncompliance with her December 9, 2005, impaired nurse treatment program contract, in which she admitted to an addiction to Percocet (oxycodone/acetaminophen – Schedule II) and Lorcet (hydrocodone/acetaminophen – Schedule III). Specifically, she failed to submit to random drug screens, monthly counselor reports, and weekly 12-step meetings as required by the contract.

5. On November 10, 2009, the West Virginia Board entered an Order ("West Virginia Board's Order") reinstating Ms. Riner's license to practice as a registered professional nurse for one year, re-suspending the license for one year and staying the suspension contingent upon compliance with terms of the West Virginia Board's Order and placing her on probation with terms for three years.

6. Ms. Riner reported all negative urine drug screens and being compliant with all terms of the West Virginia Board's Order, but she provided no documentation corroborating her current compliance with the terms of the West Virginia Board's Order.

7. With the approval of the West Virginia Board, Ms. Riner has been employed with Pocahontas Memorial Hospital, Marlinton, West Virginia since January 2010.

8. On her application for licensure and at the informal conference, Ms. Riner stated that she did not have a mental, physical, or chemical dependency condition that could interfere with her current ability to practice nursing.

9. On September 25, 2009, Ms. Riner's substance abuse treatment counselor, Jan Edwards Williams, M.S., J.D., L.C.A.D.C, stated in writing that Ms. Riner no longer had a diagnosis of drug dependence, that her drug dependence was in full sustained remission, and she posed no risk to her resuming her professional nursing career.

10. Ms. Riner reported her date of sobriety as March 12, 2005. She attends one NA meeting per week, has a sponsor, and acts as a sponsor to others.

CONCLUSIONS OF LAW

1. Findings of Fact No. 4 and 5 constitute a violation of § 54.1-3007(7) of the Code of Virginia (1950), as amended ("Code").

2. Ms. Riner otherwise meets the requirements of § 54.1-3018 of the Code.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing hereby ORDERS as follows:

1. The application of Hollie Dawn McDaniels Riner for licensure by endorsement is hereby APPROVED.

2. Ms. Riner shall be placed on PROBATION subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall continue for a period of time to run concurrently with the period of probation set forth in the West Virginia Board's Order. The license of Ms. Riner shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation, or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.

b. Ms. Riner shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Riner shall provide the name and address of each employer to the Board.

c. Ms. Riner shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Riner is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Performance Evaluations shall be provided, at the direction of Ms. Riner, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

e. Ms. Riner shall practice nursing only in a structured/supervised employment setting satisfactory to the Board for the length of probation. This employment setting shall provide on-site supervision by a professional nurse, who works the same shift, works on the same level of the building and holds an unrestricted license. For all current nursing employment and before beginning or changing nursing employment during this period, Ms. Riner shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

f. Ms. Riner shall not use alcohol or any other mood altering chemical, except as provided by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Scheduled II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

g. Ms. Riner shall be required to have one supervised, unannounced random drug screen each quarter from a Board approved testing entity, which includes testing for alcohol and the following drugs of choice: oxycodone and hydrocodone. Ms. Riner shall ensure that the first set of results is received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. Riner refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

h. Ms. Riner shall attend Narcotics Anonymous or other groups acceptable to the Board one time per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board by the last day of each calendar month.

i. Ms. Riner shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

j. Ms. Riner shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes to employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

k. The Board shall issue a license marked "Valid in Virginia Only; Probation with Terms."

l. Ms. Riner shall conduct herself as a professional nurse in compliance with the

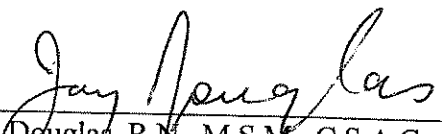
requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

m. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Riner and an administrative proceeding shall be held to decide whether her license shall be revoked.

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.

If Ms. Riner does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, in writing at the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia 23233, within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing as provided in §§ 2.2-4020 and 2.2-4021 of the Code.

FOR THE BOARD



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

Entered: July 26th, 2010

Certified True Copy
By Andrea Butler 10/10/13
Virginia Board Of Nursing