

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           ANDREA HARDY, L.P.N.**  
**License No.: 0002-041349**

**ORDER**

In accordance with §§2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on July 10, 2012 in Henrico County, Virginia. Andrea Hardy, L.P.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph. D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 12, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Hardy was not present nor was she represented by legal counsel.

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

**FINDINGS OF FACT**

1. Andrea Hardy, L.P.N., was issued License No. 0002-041349 to practice practical nursing in Virginia on May 19, 1989. The license is scheduled to expire on August 31, 2013. Her primary state of residence is Virginia.
2. By letter dated June 11, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Hardy notifying her that an informal conference would be held on July 10, 2012. The Notice was sent by certified and first class mail to 25 Grady Crescent, Chesapeake, Virginia 23324, the address of record on file with the Board of Nursing.
3. During the course of her employment with First Care, Chesapeake, Virginia, by her own

admission, between January and August, 2011, Ms. Hardy called in fictitious prescriptions for Vicodin (hydrocodone and acetaminophen, Schedule III) using the name of her employing physician for her personal and unauthorized use. She admitted this behavior to her employer when questioned. Her employment was terminated as a result on September 12, 2011.

4. Ms. Hardy was charged on October 19, 2011, for prescription fraud in the Norfolk, Virginia, General District Court. Ms. Hardy turned herself in and entered into an agreement for deferred judgment. Ms. Hardy has been ordered by the Court to serve supervised probation until January 10, 2013, to pay her court costs, and to complete 100 hours of community service. Ms. Hardy reported at the informal conference that she is in good standing with her probation officer, has completed all of the required community service, and is paying \$50 biweekly, twice the amount required, toward her costs. She had paid approximately one-half of the costs as of the time of the informal conference.

5. At the informal conference, Ms. Hardy accepted responsibility for her chemical dependency problems. She stated that she last used Vicodin on July 20, 2011. Ms. Hardy stated that this was her sobriety date and that she did not pick up the prescription that she called in to the pharmacy in August 2011. This statement is supported in the record.

6. Ms. Hardy entered the Health Practitioners' Monitoring Program ("HPMP") on October 19, 2011. After consulting with Leigh Kammerer, Ms. Hardy submitted a letter of resignation based on financial and transportation issues. Ms. Hardy resigned from the HPMP while in compliance.

7. Since that time, Ms. Hardy has counseled with her pastor on a daily basis, either by telephone or in person. She completed a 12-week substance abuse treatment program with the Norfolk Community Services Board, Norfolk, Virginia, and attends Alcoholics Anonymous meetings at least one time per week.

8. Ms. Hardy has been a licensed practical nurse for over 23 years. She has no prior

disciplinary problems.

9. At the informal conference, Ms. Hardy indicated that she is currently employed as a medical assistant instructor at Centura College, Norfolk, Virginia. This position requires an active nursing license, but has no patient care responsibilities.

10. Ms. Hardy currently takes no prescription medications.

11. At the informal conference, Ms. Hardy presented in a positive, contrite manner. She was truthful in her responses and fully accepted responsibility for her past actions.

### **CONCLUSIONS OF LAW**

Finding of Fact No. 3 constitutes a violation of §54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Andrea Hardy, L.P.N., 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 end at such time as Ms. Hardy has provided proof that she has been released from state probation. The license of Andrea Hardy, L.P.N., 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. Hardy 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. Hardy shall provide the name and address of each employer to the Board.

c. Ms. Hardy 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. Hardy is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Ms. Hardy shall not use alcohol or any other mood altering chemical, except as prescribed 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 Schedule 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.

e. Ms. Hardy shall be required to have one supervised, unannounced random drug screen a quarter, from a Board approved testing entity, which includes testing for alcohol and the following drugs of choice: Vicodin. Ms. Hardy 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. Hardy 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.

f. Ms. Hardy shall attend Alcoholics Anonymous /Narcotics Anonymous at least one times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board by the last date of each month that this Order is in effect.

g. Ms. Hardy shall request her court-appointed probation officer to provide the Board

with a written report describing how she is meeting the conditions of her probation within 60 days from the date this Order is entered.

h. Ms. Hardy shall provide the Board with a certified true copy of her final court order placed on record by the Court upon completion of her probation.

i. Ms. Hardy 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. Hardy 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 in 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. Ms. Hardy shall return all copies of her license to practice as a licensed practical nurse to the Board office within ten days of the date of entry of this Order along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”

l. Ms. Hardy shall conduct herself as a licensed practical nurse in compliance with the requirements 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 Andrea Hardy, L.P.N., and an administrative proceeding shall be held. Ms. Hardy shall be noticed to appear at an administrative hearing at such time as the Board is notified that she is not in compliance with any of the terms or conditions of this Order.

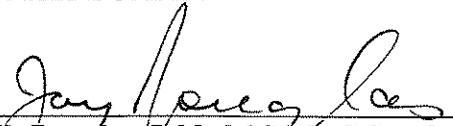
n. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Hardy and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

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

Pursuant to §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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Hardy may, not later than 5:00 p.m., on November 6, 2012, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

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

ENTERED: October 4<sup>TH</sup>, 2012

This Order shall become final on November 6, 2012, unless a request for a formal administrative hearing is received as described above.