

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**ANN-MARY DELANEY NADEAU, R.N.**

**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 June 2, 2010, in Henrico County, Virginia, to inquire into evidence that Ann-Mary Delaney Nadeau, R.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia. Ms. Nadeau 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. Ann-Mary Delaney Nadeau, R.N., was issued License No. 0001-142847 to practice professional nursing in the Commonwealth of Virginia on May 19, 1995. Said license expires on November 30, 2010.
2. Ms. Nadeau admitted that between 2004 and 2005, during the course of her employment with DePaul Medical Center, Norfolk, Virginia, she diverted Dilaudid (hydromorphone – Schedule II) intended for wastage for her personal and unauthorized use on multiple occasions.
3. Ms. Nadeau was placed on a leave of absence from DePaul Medical Center while she received inpatient residential treatment from Williamsburg Place and intensive outpatient treatment from Tidewater Psychotherapy. She subsequently resigned from DePaul.

4. Ms. Nadeau entered into the Health Practitioners' Monitoring Program ("HPMP") (formerly known as the "Health Practitioners' Intervention Program" or "HPIP") on January 27, 2005, and the Board stayed disciplinary action against Ms. Nadeau on October 21, 2005.

5. On February 21, 2009, the Health Practitioners' Intervention Program Committee voted to vacate the stay of disciplinary action against Ms. Nadeau because she failed to comply with the terms of her Recovery Monitoring Contract with the HPMP.

6. On November 2, 2009, Ms. Nadeau was dismissed from HPMP for noncompliance with her Recovery Monitoring Contract, including continued narcotic usage, failing to regularly attend treatment and failure to participate in a multi-day recovery assessment.

7. Ms. Nadeau admitted that in 2008, without permission or authorization, she altered her monitoring contract with HPMP and provided a copy of the altered contract to her employer, Tidewater Tech, now known as Centaura College.

8. Ms. Nadeau's employment with Tidewater Tech was terminated on July 18, 2008, for failing to follow policies and procedures.

9. Ms. Nadeau failed to disclose to Personal Touch Home Care and Hospice on her September 2008 employment application that her employment with Tidewater Tech had been terminated.

10. Ms. Nadeau admitted that she obtained employment with Personal Touch Home Care and Hospice in 2008 without notifying HPMP and continues to work without HPMP's knowledge or approval.

11. Ms. Nadeau admitted that on February 19, 2010, she falsely stated to an investigator of the Department of Health Professions that she was not employed when she was employed by Personal Touch Home Care and Hospice.

12. Ms. Nadeau stated at the informal conference that she is a recovering drug addict.

13. Ms. Nadeau stated that her sobriety date is January 20, 2005, although she acknowledged repeated use of prescribed narcotic medication since for legitimate pain issues, including a prescription for Vicodin she obtained in late May 2010 for pain management of a broken toe.

14. At the informal conference, Ms. Nadeau expressed a willingness to re-enter the Virginia HPMP and be monitored.

### **CONCLUSIONS OF LAW**

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

2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.

3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

4. Finding of Fact No. 11 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(n) of the Regulations.

### **CONSENT**

Ann-Mary Delaney Nadeau, 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 a 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 contained herein and waives her right to contest such Findings of Fact 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. Ms. Nadeau is hereby REPRIMANDED.
2. License No. 0001-142847 of Ann-Mary Delaney Nadeau, R.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Nadeau 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. Nadeau 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.
5. This suspension applies to any multistate privilege to practice professional nursing.
6. This suspension shall be STAYED upon proof of entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
  - a. Ms. Nadeau 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. Nadeau, 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. Nadeau is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Nadeau's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Nadeau involving a violation of law, regulation, or any term or condition of this order.

c. Upon receipt of Ms. Nadeau's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Nadeau's appearance before the Board and conduct an administrative review of this matter.

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

8. Ms. Nadeau 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: July 20<sup>th</sup>, 2010

SEEN AND AGREED TO:

*Ann-Mary Nadeau RN*  
Ann-Mary Delaney Nadeau, R.N.

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

Subscribed and sworn to before me, Elizabeth John, a Notary Public, this 17<sup>th</sup> day of July, 2010.

My commission expires 08/31/2010.

Registration Number 7026262.

*Elizabeth John-McCloud*  
*common as Elizabeth John*  
NOTARY PUBLIC

