

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AMY R. COLE, R.N.
License No.: 0001-165540

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on April 18, 2013, in Henrico County, Virginia. Ms. Cole was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Cole 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. Amy R. Cole, R.N., was issued License No. 0001-165540 to practice professional nursing in Virginia on July 12, 1999. Said license expired in 2003. Ms. Cole first applied for reinstatement of her nursing license in 2006, but by a Board Order entered February 2, 2007, her reinstatement was denied based upon a 2006 conviction of felony grand larceny, the surrender of her North Carolina nursing license, falsification of information on her reinstatement application, and abuse of controlled substances. Ms. Cole reapplied for reinstatement in 2008, following her entry into the Health Practitioners' Intervention Program ("HPIP," currently "HPMP") in 2007. A Board Order entered August 21, 2008, reinstated Ms. Cole's license as noted below, which is scheduled to expire on

September 30, 2013. Her primary state of residence is Virginia.

2. By letter dated March 15, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Cole notifying her that an informal conference would be held on April 18, 2013. The Notice was sent by certified and first class mail to 350 Bell Drive, Danville, Virginia 24541, the address of record on file with the Board of Nursing. The first class mailing of the Notice was returned to the Board office marked “moved and left no address.” The certified mail was marked “undeliverable as addressed.” The Agency Subordinate concluded that adequate notice was provided to Ms. Cole, and the informal conference proceeded in her absence.

3. A Board Order entered August 21, 2008 (“Board’s Order”) reinstated the nursing license of Ms. Cole contingent upon her continued compliance with the terms and conditions of the HPMP.

4. Ms. Cole was dismissed from the HPMP on July 20, 2012, for non-compliance with her recovery monitoring contract, including failure to comply with the urine toxicology screening program and failure to submit required monthly reports. During her five years in the HPMP, she was placed on warning status or pre-dismissal status for continued missed calls to the test line, admissions of drinking and using marijuana while under contract with the HPMP, and positive screens for cocaine.

5. Ms. Cole’s current employment status is unknown.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of §54.1-3007(6) of the Code and Term No. 1 of the Board’s Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Amy R. Cole, R.N., is hereby REPRIMANDED.
2. License No. 0002-165540 of Amy R. Cole, R.N., is INDEFINITELY SUSPENDED for

a period of not less than two years.

3. The license will be recorded as suspended and no longer current.

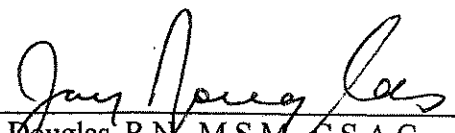
4. At such time as Ms. Cole shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Cole shall be responsible for any fees that may be required 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.

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.

Since Ms. Cole failed to appear at the informal conference, this Order shall be considered final. Ms. Cole has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Cole has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Entered: August 6th, 2013

Certified True Copy

By 

Virginia Board of Nursing