

Certified True Copy

By [Signature]
Virginia Board of Nursing



RECEIVED

JUL 15 2013

VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

July 11, 2013

Amy Allen Reese Cole
350 Bell Drive
Danville, VA 24541

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 7/11/13

RE: License No.: 0001-165540

Dear Ms. Cole:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered July 11, 2013. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

[Signature]

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

Enclosures
Case # 151513

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

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

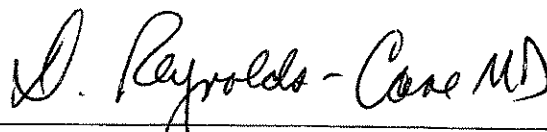
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Amy Allen Reese Cole, R.N., to practice nursing in the State of California was revoked by a Default Decision and Order which was effective on June 28, 2013. A certified copy of the Default Decision and Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Amy Allen Reese Cole, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Amy Allen Reese Cole, R.N., will be recorded as suspended and no longer current. Should Ms. Cole seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: _____

7-11-13



COMMONWEALTH of VIRGINIA

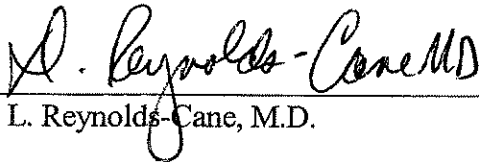
Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

CERTIFICATION OF DUPLICATE RECORDS

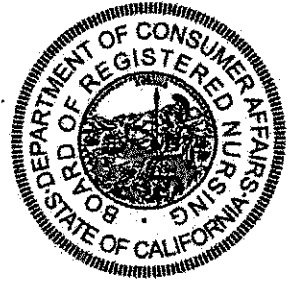
I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the Default Decision and Order which was effective on June 28, 2013, regarding Amy Allen Reese Cole, R.N., is a true copy of the records received from the State of California Board of Registered Nursing.



Dianne L. Reynolds-Cane, M.D.

Date: 7-11-13

I hereby certify the foregoing to be a true copy of the documents on file in our office.



BOARD OF REGISTERED NURSING

Louise R. Bailey, M.Ed., RN
Louise R. Bailey, M. Ed., RN
Executive Officer

JUL 11 2013
ENFORCEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2013-277

AMY ALLEN REESE-COLE, AKA AMY ALLEN REESE, AKA AMY REESE, AKA AMY COLE

DEFAULT DECISION AND ORDER

**Address of Record:
502-A Cedar Top Lane
Knoxville, TN 37923**

[Gov. Code, §11520]

**Additional Addresses:
1236 West Main Street, Apt. 101
Danville, VA 24541**

**5287 Stantonsburg Road
Greenville, NC 27834**

**730 Mountain Hill Road
Ringgold, VA 24586**

Registered Nurse License No. 624126

Respondent.

FINDINGS OF FACT

1. On or about October 11, 2012, Complainant Louise R. Bailey, M.Ed., R.N.; in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-277 against Amy Allen Reese-Cole, aka Amy



1 Allen Reese, aka Amy Reese, aka Amy Cole ("Respondent") before the Board of Registered
2 Nursing. (Accusation attached as Exhibit A.)

3 2. On or about August 13, 2003, the Board of Registered Nursing ("Board") issued
4 Registered Nurse License No. 624126 to Respondent. The Registered Nurse License expired on
5 October 31, 2004, and has not been renewed.

6 3. On or about October 11, 2012, Respondent was served by Certified and First Class
7 Mail copies of the Accusation No. 2013-277, Statement to Respondent, Notice of Defense,
8 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
9 and 11507.7) at Respondent's address of record which, pursuant to California Code of
10 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
11 Respondent's address of record was and is: 502-A Cedar Top Lane, Knoxville, TN 37923.

12 4. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 5. On or about October 11, 2012, Respondent was served by Certified and First Class
16 Mail copies of the Accusation No. 2013-277, Statement to Respondent, Notice of Defense,
17 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
18 and 11507.7) at an additional address which was: 1236 West Main Street, Apt. 101, Danville, VA
19 24541.

20 6. On or about November 13, 2012, the documents described in Paragraph 3 which were
21 served by Certified Mail were returned by the U.S. Postal Service marked "Return to Sender
22 Unable to Forward." On or about November 20, 2012, the documents described in Paragraph 3
23 which were served by First Class Mail were returned by the U.S. Postal Service marked "Return
24 to Sender Unable to Forward." The address on the documents was the same as the address on file
25 with the Board. Respondent failed to maintain an updated address with the Board and the Board
26 has made attempts to serve the Respondent at the address on file. Respondent has not made
27 herself available for service and therefore, has not availed herself of her right to file a notice of
28 defense and appear at hearing.

1 7. On or about October 29, 2012, the documents described in Paragraph 5 which were
2 served by Certified Mail were returned by the U.S. Postal Service marked "Return to Sender
3 Unable to Forward." On or about October 30, 2012, the documents described in Paragraph 5
4 which were served by First Class Mail were returned by the U.S. Postal Service marked "Return
5 to Sender Unable to Forward."

6 8. On or about November 29, 2012, Respondent was served by Certified and First Class
7 Mail copies of the Accusation No. 2013-277, Statement to Respondent, Notice of Defense,
8 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
9 and 11507.7) at an additional address which was: 5287 Stantonsburg Road, Greenville, NC
10 27834.

11 9. On or about January 10, 2013, Respondent was served by Certified and First Class
12 Mail copies of the Accusation No. 2013-277, Statement to Respondent, Notice of Defense,
13 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
14 and 11507.7) at an additional address which was: 730 Mountain Hill Road, Ringgold, VA 24586.

15 10. On or about January 15, 2013, the documents described in Paragraph 8 which were
16 served by Certified Mail were returned by the U.S. Postal Service marked "Return to Sender --
17 Unclaimed." On or about December 26, 2012, the documents described in Paragraph 8 which
18 were served by First Class Mail were returned by the U.S. Postal Service marked "Not
19 Deliverable - Unable to Forward."

20 11. The documents described in Paragraph 9 were not returned by the U.S. Postal
21 Service. The Domestic Return Receipt for the documents served by Certified Mail indicates that
22 the documents were received on January 15, 2013.

23 12. Government Code section 11506 states, in pertinent part:

24 (c) The respondent shall be entitled to a hearing on the merits if the respondent
25 files a notice of defense, and the notice shall be deemed a specific denial of all parts
26 of the accusation not expressly admitted. Failure to file a notice of defense shall
27 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
28 may nevertheless grant a hearing.

1 13. Respondent failed to file a Notice of Defense within 15 days after service upon her of
2 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-
3 277.

4 14. California Government Code section 11520 states, in pertinent part:

5 (a) If the respondent either fails to file a notice of defense or to appear at the
6 hearing, the agency may take action based upon the respondent's express admissions
7 or upon other evidence and affidavits may be used as evidence without any notice to
8 respondent.

8 15. Pursuant to its authority under Government Code section 11520, the Board finds
9 Respondent is in default. The Board will take action without further hearing and, based on the
10 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
11 taking official notice of all the investigatory reports, exhibits and statements contained therein on
12 file at the Board's offices regarding the allegations contained in Accusation No. 2013-277, finds
13 that the charges and allegations in Accusation No. 2013-277, are separately and severally, found
14 to be true and correct by clear and convincing evidence.

15 16. Taking official notice of its own internal records, pursuant to Business and
16 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
17 and Enforcement is \$1,080.00 as of February 27, 2013.

18 **DETERMINATION OF ISSUES**

19 1. Based on the foregoing findings of fact, Respondent Amy Allen Reese-Cole, aka
20 Amy Allen Reese, aka Amy Reese, aka Amy Cole has subjected her Registered Nurse License
21 No. 624126 to discipline.

22 2. The agency has jurisdiction to adjudicate this case by default.

23 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
24 Nurse License based upon the following violations alleged in the Accusation which are supported
25 by the evidence contained in the Default Decision Evidence Packet in this case:

26 (a) Business and Professions Code section 2761, subdivision (a)(4) on the grounds
27 of unprofessional conduct in that Respondent's registered nurse license was disciplined by the
28 Virginia Board of Nursing ("Virginia Board") in a case entitled *In re Amy Reese Cole, R.N.*

1 *Reinstatement Applicant* when on or about February 2, 2007, the Virginia Board issued an order
2 denying Respondent's application for reinstatement of her license to practice nursing in that state.

3 The Virginia Board's order was based on the following:

4 (i) Respondent was issued a license to practice nursing in Virginia on July
5 21, 1999 and the license expired on September 30, 2003. On August 8, 2006, Respondent
6 submitted an application for reinstatement of her license.

7 (ii) On February 27, 2006, Respondent signed a contract with the North
8 Carolina Board of Nursing Alternative Program for Chemical Dependency ("Alternative
9 Program") in which she admitted to abusing Klonopin (Clonazepam, a Schedule IV controlled
10 substance), Ativan (Lorazepam, a Schedule IV controlled substance), and Lortab (hydrocodone +
11 APAP, a Schedule III controlled substance) from 2000-2004, when she entered treatment, and
12 again in 2005; when she relapsed. She also admitted to marijuana use since 1995. Respondent
13 was terminated from the Alternative Program on July 20, 2006 for many reasons, including
14 failing to call regarding her drug screening obligations, failing to perform drug screens when told
15 to do so, and failing to attend sessions at the treatment facility after June 15, 2006.

16 (iii) Upon termination from the Alternative Program, Respondent's North
17 Carolina license was "voluntarily surrendered."

18 (iv) In her application for reinstatement, Respondent stated that she had never
19 had disciplinary action taken against her license, that her practice had never been the subject of an
20 investigation, that she had never voluntarily surrendered her license, and that her license was in
21 good standing in all jurisdictions where she was licensed. However Respondent had voluntarily
22 surrendered her North Carolina nursing license on or about July 20, 2006. Respondent
23 acknowledged to the Virginia Board's Special Conference Committee that she had intentionally
24 falsely stated on her reinstatement application that she had never voluntarily surrendered her
25 license.

26 (v) In her application for reinstatement, Respondent stated that she did not
27 have any mental, physical, or chemical dependency conditions which could interfere with her
28

1 ability to practice nursing despite the fact that she had admitted to recently abusing controlled
2 substances.

3 (vi) Respondent informed the Virginia Board's Special Conference
4 Committee that she had been convicted for grand larceny, a felony, in Danville, Virginia in
5 October 2006. She stated that she had no memory of the offense but that she had been arrested
6 for shoplifting while under the influence of controlled substances including methodone (a
7 Schedule II controlled substance), without a prescription, and prescription benzodiazepines.

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS SO ORDERED that Registered Nurse License No. 624126, heretofore issued to Respondent Amy Allen Reese-Cole, aka Amy Allen Reese, aka Amy Reese, aka Amy Cole is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on JUNE 28, 2013.

It is so ORDERED MAY 31, 2013.


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51248746.DOC
DOJ Matter ID:LA2012507852

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
Deputy Attorney General
4 State Bar No. 245282
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
E-mail: Sydney.Mehring@doj.ca.gov
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-277

12 **AMY ALLEN REESE-COLE, AKA AMY**
13 **ALLEN REESE, AKA AMY REESE, AKA**
14 **AMY COLE**

ACCUSATION

14 **Address of Record:**
15 **502-A Cedar Top Lane**
16 **Knoxville, TN 37923**

16 **Additional Address:**
17 **1236 West Main Street, Apt. 101**
18 **Danville, VA 24541**

18 **Registered Nurse License No. 624126**

19 Respondent.

20
21 Complainant alleges:

22 **PARTIES**

23 1. Louise-R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
24 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
25 Consumer Affairs.

26 2. On or about August 13, 2003, the Board of Registered ("Board") Nursing issued
27 Registered Nurse License Number 624126 to Amy Allen Reese-Cole, aka Amy Allen Reese, aka
28

1 Amy Reese, aka Amy Cole ("Respondent"). The Registered Nurse License expired on October
2 31, 2004, and has not been renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board under the authority of the following
5 laws. All section references are to the Business and Professions Code unless otherwise indicated.

6 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
7 any licensee, including a licensee holding a temporary or an inactive license, for any reason
8 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
11 licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b)
12 of the Code provides, in pertinent part, that the Board may renew an expired license at any time
13 within eight years after the expiration.

14 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
15 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
16 disciplinary action during the period within which the license may be renewed, restored, reissued
17 or reinstated.

18 7. Title 16, Section 1419.3 of the California Code of Regulations defines the period in
19 which a license may be renewed or reinstated:

20 "In the event a licensee does not renew his/her license as provided in Section 2811 of
21 the code, the license expires. A licensee renewing pursuant to this section shall
22 furnish a full set of fingerprints as required by and set out in section 1419(b) as a
condition of renewal.

23 (a) A licensee may renew a license that has not been expired for more than
24 eight years by paying the renewal and penalty fees as specified in Section 1417 and
providing evidence of 30 hours of continuing education taken within the prior two-
year period.

25 (b) A licensee may renew a license that has been expired for more than eight
26 years by paying the renewal and penalty fees specified in Section 1417 and providing
27 evidence that he or she holds a current valid active and clear registered nurse license
in another state, a United States territory, or Canada, or by passing the Board's current
28 examination for licensure."

1 STATUTES

2 8. Section 2761 of the Code states, in pertinent part:

3 "The board may take disciplinary action against a certified or licensed nurse or deny an
4 application for a certificate or license for any of the following:

5 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

6

7 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
8 against a health care professional license or certificate by another state or territory of the United
9 States, by any other government agency, or by another California health care professional
10 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
11 action."

12 COST RECOVERY

13 9. Section 125.3 of the Code provides, in pertinent part:

14 "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
15 proceeding before any board within the department or before the Osteopathic Medical Board,
16 upon request of the entity bringing the proceeding, the administrative law judge may direct a
17 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
18 to exceed the reasonable costs of the investigation and enforcement of the case.

19

20 "(i) Nothing in this section shall preclude a board from including the recovery of the costs
21 of investigation and enforcement of a case in any stipulated settlement."

22 CAUSE FOR DISCIPLINE

23 (Disciplinary Action by the Virginia Board of Nursing)

24 10. Respondent is subject to disciplinary action under Code section 2761, subdivision
25 (a)(4) on the grounds of unprofessional conduct in that Respondent's registered nurse license was
26 disciplined by the Virginia Board of Nursing ("Virginia Board"), as follows:

27
28

1 11. On or about February 2, 2007, the Virginia Board issued an order denying
2 Respondent's application for reinstatement of her license to practice nursing. The Virginia
3 Board's order was based on the following:

4 (a) Respondent was issued a license to practice nursing in Virginia on July 21,
5 1999 and the license expired on September 30, 2003. On August 8, 2006, Respondent submitted
6 an application for reinstatement of her license.

7 (b) On February 27, 2006, Respondent signed a contract with the North Carolina
8 Board of Nursing Alternative Program for Chemical Dependency ("Alternative Program") in
9 which she admitted to abusing Klonopin (Clonazepam, a Schedule IV controlled substance),
10 Ativan (Lorazepam, a Schedule IV controlled substance), and Lortab (hydrocodone + APAP, a
11 Schedule III controlled substance) from 2000-2004, when she entered treatment, and again in
12 2005, when she relapsed. She also admitted to marijuana use since 1995. Respondent was
13 terminated from the Alternative Program on July 20, 2006 for many reasons, including failing to
14 call regarding her drug screening obligations, failing to perform drug screens when told to do so,
15 and failing to attend sessions at the treatment facility after June 15, 2006.

16 (c) Upon termination from the Alternative Program, Respondent's North Carolina
17 license was "voluntarily surrendered."

18 (d) In her application for reinstatement, Respondent stated that she had never had
19 disciplinary action taken against her license, that her practice had never been the subject of an
20 investigation, that she had never voluntarily surrendered her license, and that her license was in
21 good standing in all jurisdictions where she was licensed. However Respondent had voluntarily
22 surrendered her North Carolina nursing license on or about July 20, 2006. Respondent
23 acknowledged to the Special Conference Committee that she had intentionally falsely stated on
24 her reinstatement application that she had never voluntarily surrendered her license.

25 (e) In her application for reinstatement, Respondent stated that she did not have
26 any mental, physical, or chemical dependency conditions which could interfere with her ability to
27 practice nursing despite the fact that she had admitted to recently abusing controlled substances.
28

1 (f) Respondent informed the Special Conference Committee that she had been
2 convicted for grand larceny, a felony, in Danville, Virginia, in October 2006. She stated that she
3 had no memory of the offense but that she had been arrested for shoplifting while under the
4 influence of controlled substances including methodone (a Schedule II controlled substance),
5 without a prescription, and prescription benzodiazepines.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Revoking or suspending Registered Nurse License Number 624126, issued to Amy
10 Allen Reese-Cole, aka Amy Allen Reese, aka Amy Reese, aka Amy Cole;
11 2. Ordering Amy Allen Reese-Cole, aka Amy Allen Reese, aka Amy Reese, aka Amy
12 Cole to pay the Board of Registered Nursing the reasonable costs of the investigation and
13 enforcement of this case, pursuant to Business and Professions Code section 125.3; and
14 3. Taking such other and further action as deemed necessary and proper.

15
16 DATED: October 11, 2012 *Stacie Ben*
17 *for* LOUISE R. BAILEY, M.E.D., RN
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

23
24
25
26
27
28
29 LA2012507852
30 51171632.doc