

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:                    AMY REESE COLE, R.N. REINSTATEMENT APPLICANT**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on January 22, 2007, in Henrico County, Virginia, to receive and act upon Amy Reese Cole’s application for reinstatement of her license to practice professional nursing in Virginia and evidence that she may have violated certain laws and regulations governing nursing practice. Ms. Cole was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Amy Reese Cole was issued license No. 0001-165540 to practice professional nursing in the Commonwealth of Virginia on July 21, 1999. Said license expired on September 30, 2003.
2. Ms. Reese Cole submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on August 8, 2006.
3. Ms. Reese Cole signed a contract for the North Carolina Board of Nursing Alternative Program for Chemical Dependency (“Alternative Program”) on February 27, 2006, in which she admitted to abusing Klonopin (Clonazepam, a Schedule IV controlled substance), Ativan (Lorazepam, also a Schedule IV controlled substance), and Lortab (hydrocodone + APAP, a Schedule III controlled substance). She admitted to abuse of these substances from 2000 to 2004, when she entered treatment, and admitted to relapse in 2005. She also admitted to marijuana use starting in 1995. She was terminated from the

Alternative Program on July 20, 2006 for a number of reasons, including failing to call regarding her drug screening obligations, failing to perform drug screens when told to do so, and failing to attend sessions at her treatment facility after June 15, 2006.

4. Upon being terminated from the Alternative Program on July 20, 2006, Ms. Reese Cole's North Carolina nursing license was "voluntarily surrendered." She is ineligible to petition for reinstatement of that license until she is able to provide documentary evidence of at least one year of sobriety.

5. Ms. Reese Cole stated on her reinstatement application, dated August 4, 2006:

- a. That she had never had disciplinary action taken against her license, that her practice had never been the subject of an investigation, that she had never voluntarily surrendered her license, and that her license was in good standing in all jurisdictions where she had been licensed. However, she voluntarily surrendered her North Carolina nursing license on or about July 20, 2006, after she failed to abide by the terms of a contract with the Alternative Program.
- b. That she did not have a mental, physical, or chemical dependency condition which would interfere with her ability to practice nursing, when she has admitted to recent abuse of controlled substances.

6. Ms. Reese Cole acknowledged to the Special Conference Committee that she intentionally falsely stated on her reinstatement application that she had never voluntarily surrendered her license.

7. Ms. Reese Cole informed the Special Conference Committee that she had been convicted of grand larceny, a felony, in the Danville City, Virginia, Circuit Court, in October, 2006, for an offense that occurred in May, 2006. She stated that she had no memory of the offense but was told that she had been arrested for shoplifting while under the influence of controlled substances including methadone (Schedule II), for which she did not have a prescription, and prescription benzodiazepines.

**CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(7) of the Code.
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Board of Nursing Regulations.
4. The Board concludes that Amy Reese Cole has not demonstrated satisfactory evidence that she is prepared to resume the practice of professional nursing in a safe and competent manner.


**ORDER**

On the basis of the foregoing, the Committee hereby ORDERS as follows:

Amy Reese Cole's application for reinstatement of her license to practice professional nursing in Virginia is hereby DENIED.

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.

FOR THE COMMITTEE

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

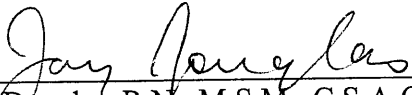
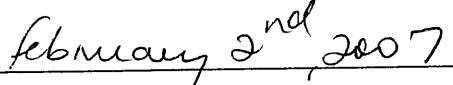
ENTERED: February 2<sup>nd</sup>, 2007

**NOTICE OF RIGHT TO FORMAL HEARING**

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1717, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Amy Reese Cole at 1236 West Main Street, Apt. 101, Danville, VA 24541.

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