

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARY M. SCOTKA HALL, R.N. REINSTATEMENT APPLICANT
License No.: 0001-176592

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on July 18, 2013, in Henrico County, Virginia, to receive and act upon the application of Mary M. Scotka Hall for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by the Department of Health Professions on February 16, 2012, and to inquire into evidence that Ms. Hall may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Braden J. Curtis, Assistant Attorney General, was present as legal counsel for the Board. Ms. Hall was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Mary M. Hall was issued License No. 0001-176592 to practice professional nursing in the Commonwealth of Virginia on September 20, 2001. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on February 16, 2012. Her primary state of residence is Virginia.
2. Ms. Hall submitted an application for reinstatement of her license to the Board on May 9, 2013.
3. Ms. Hall's license was revoked by a Default Decision and Order entered April 3, 2009, by the

California Board of Registered Nursing. Said revocation formed the basis of the mandatory suspension of Ms. Hall's license.

4. During the course of her employment at Sentara Williamsburg Regional Medical Center, Williamsburg, Virginia, by her own admission, from September 2011, to October 13, 2011, Ms. Hall diverted Dilaudid (hydromorphone, Schedule II) for her personal and unauthorized use. Further, on several occasions, Ms. Hall adulterated Dilaudid syringes with saline before administering the medication to the patient.

5. During the course of her employment at Good Samaritan Hospital in Los Angeles, California, from August 2006, to July 11, 2007, Ms. Hall diverted Dilaudid and Vicodin (hydrocodone, Schedule III) for her personal and unauthorized use and documented some of the drugs as being administered to patients.

6. Ms. Hall's license was revoked by Order of the Board of Nurse Examiners of the State of Texas entered November 13, 2007.

7. During the course of her employment at Williamsburg Community Hospital, Williamsburg, Virginia, by her own admission, from August 27, 2001 to September 24, 2001, Ms. Hall diverted Demerol (meperidine, Schedule II) for her personal and unauthorized use and injected the drug while on duty.

8. On March 14, 2002, in the Circuit Court of Williamsburg/James City County, Virginia, Ms. Hall was found guilty of obtaining drugs by fraud. Sentencing was deferred for one year. On July 23, 2003, Ms. Hall was convicted of accessory after the fact to obtain drugs by fraud, a misdemeanor involving moral turpitude. She was sentenced to 12 months incarceration suspended for a period of 10 years.

9. Ms. Hall signed a Participation Contract with the Health Practitioners' Monitoring Program on October 27, 2011. Her case manager testified that she is currently in compliance.

10. Ms. Hall stipulated to Findings of Fact 3, 4, 5, 6, 7, 8, and 9.

11. Ms. Hall has met and exceeded all requirements related to the attendance of Narcotics Anonymous and Alcoholics Anonymous meetings, and all of her drug screens have been negative. Ms. Hall

reports a sobriety date of October 13, 2011.

12. An HPMP case manager testified that Ms. Hall is compliant with her Recovery Monitoring Contract and that she has no hesitation in recommending to the HPMP Committee that Ms. Hall be authorized to return to practice should her license be reinstated.

13. Multiple witnesses testified on Ms. Hall's behalf that she has internalized the principles of recovery.

14. Ms. Hall has completed fifteen continuing education courses in 2013.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations").
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations.
4. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(7) of the Code.
5. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations.
6. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(4) of the Code.
7. Finding of Fact No. 9 constitutes a violation of § 54.1-3007(6) of the Code.
9. Ms. Hall has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No.

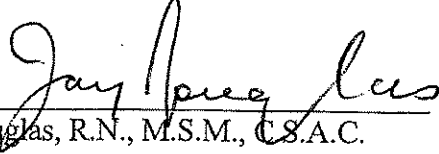
0001-176592, issued to Mary M. Scotka Hall to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED contingent upon her continued compliance with the HPMP and subject to the following terms and conditions:

1. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mary M. Scotka Hall, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Hall shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Hall is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against Ms. Hall involving a violation of law or regulation or any term or condition of this Order; or
 - c. Ms. Hall has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Hall's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Hall's appearance before the Board and conduct an administrative review of this matter.
2. This Order shall be applicable to Ms. Hall's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Hall may 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 she wishes to work.
3. Ms. Hall 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 Regulations Governing the Practice of Nursing.

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 BOARD




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

August 5th, 2013

ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy
By 
Virginia Board of Nursing