

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: NEEKA D. BARROW, R.N. REINSTATEMENT APPLICANT
License No.: 0001-223470

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 16, 2013, in Henrico County, Virginia, to receive and act upon Neeka D. Barrow's application for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by the Department of Health Professions on January 14, 2013, and to inquire into evidence that Ms. Barrow may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Braden Curtis, Assistant Attorney General, was present as legal counsel for the Board. Ms. Barrow 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. Neeka Barrow, R.N. Reinstatement Applicant, was issued License No. 0001-223470 to practice professional nursing in the Commonwealth of Virginia on March 1, 2010. Said license was mandatorily suspended by the Department of Health Professions on January 14, 2013. Ms. Barrow previously held License No. RN70611 to practice professional nursing in Nevada, which was revoked on May 2, 2013. Ms. Barrow previously held License No. 238031 to practice professional nursing in North Carolina, which was voluntarily surrendered by Ms. Barrow to the North Carolina Board of Nursing in lieu

of disciplinary action on January 2, 2013. Ms. Barrow's address of record with the Board of Nursing lists Georgia as her primary state of residence. Her primary state of residence is Virginia.

2. During the course of her employment with Sentara Norfolk General Hospital, Norfolk, Virginia, between December 10, 2012, and January 6, 2013, Ms. Barrow diverted narcotic medication for her personal and unauthorized use. Specifically:

a. On December 12, 2012, at 11:09 p.m., she withdrew 2 mg of hydromorphone for Patient C, and she failed to account for its administration, wastage, or return.

b. On December 12, 2012, at 5:20 a.m., she withdrew 2 mg of hydromorphone for Patient D, and she failed to account for its administration, wastage, or return.

c. On December 11, 2012, at 7:55 p.m., she withdrew 2 mg of hydromorphone for Patient E, who was not assigned to her, and she failed to account for its administration, wastage, or return.

d. On December 11, 2012, at 12:09 a.m. and at 12:55 a.m., she withdrew a total of 4 mg of hydromorphone for Patient G, and she failed to account for its administration, wastage, or return.

e. On December 10, 2012, at 9:16 p.m., she withdrew 8 mg of morphine (Schedule II) for Patient G, and she failed to account for its administration, wastage, or return.

Ms. Barrow admitted to the Board that she diverted on these occasions.

3. Ms. Barrow submitted to a for-cause employment drug screen on January 11, 2013, which was positive for benzodiazepenes and opiates.

4. Ms. Barrow's employment with Sentara Norfolk General Hospital was terminated.

5. On May 2, 2013, Ms. Barrow signed a Participation Contract with the Health Practitioners' Monitoring Program, in which she acknowledged that she has a history of substance abuse and psychiatric illness. She also admitted using non-prescribed morphine, Vicodin, and Xanax.

6. Ms. Barrow was placed on warning status with the HPMP on June 7, 2013, following her May 22, 2013, urine drug screen, which was positive for alcohol. Ms. Barrow admitted to relapsing on

alcohol in mid-May 2013.

7. Ms. Barrow's license to practice professional nursing in Nevada, License No. RN70611, was revoked by the Nevada Board of Nursing on May 2, 2013, and her license to practice professional nursing in North Carolina, License No. 238031, was voluntarily surrendered in lieu of disciplinary action to the North Carolina Board of Nursing on January 2, 2013. The surrender of the North Carolina license formed the basis for the suspension of Ms. Barrow's Virginia license by the Department of Health Professions.

8. Ms. Barrow admitted to the Board that she began diverting controlled substances for personal use in 2007.

9. Ms. Barrow testified to the Board that she is currently attending five Alcoholics Anonymous and Narcotics Anonymous meetings per week. In addition, she attends one Caduceus meeting per week.

10. An HPMP case manager testified that Ms. Barrow is currently compliant with her Recovery Monitoring Contract.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 2(a) through 2(e) constitute violations of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Findings of Fact Nos. 3, 5, and 6 constitute a violation of § 54.1-3007(6) of the Code.

3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(7) of the Code.

4. Ms. Barrow has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Neeka D. Barrow for reinstatement of License No. 0001-223470 to practice professional nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Neeka Barrow be CONTINUED on INDEFINITE SUSPENSION. At such time as she shall petition the Board for reinstatement of her license, a hearing will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.
2. The license shall be recorded as suspended.
3. This Order shall be applicable to Ms. Barrow's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia.
4. Said suspension shall be STAYED upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:
 - a. Ms. Barrow 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. Barrow, and an administrative proceeding shall be held to decide 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. Barrow is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or
 - ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.
5. Upon receipt of evidence of Ms. Barrow's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Barrow's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted

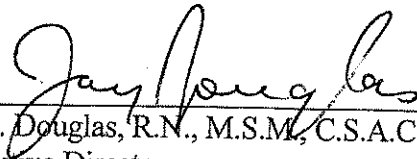
license.

6. This Order shall be applicable to Ms. Barrow's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Barrow 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.

7. Ms. Barrow 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 on request.

FOR THE BOARD



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

ENTERED

August 5th, 2013

Certified True Copy,
By derahan
Virginia Board of Nursing

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.