

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ASHLEY COMER, L.P.N.
License No.: 0002-079132

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on November 8, 2011 in Henrico County, Virginia. Ashley Comer, L.P.N., was not present nor was she represented by legal counsel. Jane Elliot, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 25, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Comer 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. Ashley Comer, L.P.N., was issued License No. 0002-079132 to practice practical nursing by the Virginia Board of Nursing on September 23, 2008. Said license is set to expire on December 31, 2013. Virginia is her primary state of residence.

2. By letter dated October 3, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Comer notifying her that an informal conference would be held on November 8, 2011. The Notice was sent by certified and first class mail to P.O. Box 203, South Boston, Virginia 24592, the address of record on file with the Board of Nursing at this time. The Notice was also

sent to 4000 Cluster Springs Road, South Boston, Virginia 24592, a secondary address, and 4129 Bethel Road, Scottsburg, Virginia 24589, a tertiary address. The Notice sent to the secondary address by certified mail was delivered as evidenced by the return receipt, which was signed by Ms. Comer and returned to the Board on October 13, 2011. The Agency Subordinate concluded that adequate notice was provided to Ms. Comer and the informal conference proceeded in her absence.

3. During the course of her employment at Mecklenburg Correctional Center, Boydton, Virginia, from June, 2010, to October, 2010, Ms. Comer admittedly entered into a relationship with an inmate through the regular exchange of multiple sexually explicit letters and engaging in telephone conversations, which were arranged through the inmate's family members. As part of her duties, Ms. Comer administered medications to the inmate.

4. On October 21, 2010, Ms. Comer resigned in lieu of termination from Mecklenburg Correctional Center while she was under investigation for the above admitted fraternization. She is not eligible for rehire at any Department of Corrections facility.

5. Although Ms. Comer denied any physical contact during an interview with an investigator for the Department of Health Professions ("DHP"), the Department of Corrections investigative report refers to an attempt by the inmate to touch Ms. Comer's genital which she did not report to her supervisor but which was referred to in her letters to the inmate.

6. Ms. Comer also stated in her interview with the investigator from DHP that she plans to continue this relationship and hopes they will be together when the inmate is released from his current prison term.

7. As of February 2011, Ms. Comer was employed at Roxboro Nursing Center, Roxboro, North Carolina, where she began employment in December 2010.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3-5 constitute violations of §54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(I) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Ashley Comer, L.P.N., is hereby REPRIMANDED.
2. Ms. Comer shall appear at the Board office within 30 days of entry of this Order to view the NCSBN video, “Crossing the Line.” Ms. Comer shall be responsible for contacting the Board to schedule this course.
3. Ms. Comer shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of §54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ashley Comer, L.P.N., and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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. Comer failed to appear at the informal conference, this Order shall be considered final. Ms. Comer 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. Comer 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:

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

ENTERED: *February 8, 2012*