

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: Violet K. Leth, R.M.A.
Registration No.: 0031-006107**

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 May 9, 2013, in Henrico County, Virginia. Violet K. Leth, R.M.A., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Leth 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. Violet K. Leth, R.M.A., was issued Registration No. 0031-006107 to practice as a medication aide in Virginia on August 9, 2012. The registration is scheduled to expire on June 30, 2014. By Order entered May 25, 2012, Ms. Leth's application for registration by examination as a medication aide was approved conditioned upon her entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP"), due to substance abuse.

2. By letter dated April 4, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Leth notifying her that an informal conference would be held on May 9, 2013. The Notice was sent by certified and first class mail to 444 Clearfield Lane, Chesapeake, Virginia 23320, the address of record on file with the Board of Nursing. The certified mail receipt was signed on April 6,

2013; the first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Leth and the informal conference proceeded in her absence.

3. By Order entered May 25, 2012, Ms. Leth's application for registration by examination as a medication aide was approved conditioned upon her entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP"), due to substance abuse.

4. Ms. Leth entered a Participation Contract on June 8, 2012 and Recovery Monitoring Contract with the HPMP on August 13, 2012. Upon entering the HPMP, Ms. Leth was already receiving substance abuse treatment at the Chesapeake Community Services Board ("CSB"). On August 13, 2012, during her HPMP orientation, Ms. Leth tested positive for cocaine and admitted to snorting cocaine on August 11, 2012. Ms. Leth was scheduled to enter intensive outpatient treatment with the Chesapeake CSB on September 4, 2012; however, she failed to do so. Ms. Leth also failed to call the drug screen test line which resulted in a missed screen on September 4 and 11, 2012. She was placed on pre-dismissal status and required to enter residential treatment which she did not do. She also discontinued treatment at Chesapeake CSB. On September 10, 2012, Ms. Leth submitted a letter of resignation to the HPMP and was dismissed from HPMP on October 19, 2012.

5. During interviews with an investigator from the Department of Health Professions, Ms. Leth reported that she has not practiced as a medication aide and that having to comply with the HPMP was too expensive. Ms. Leth commented to the Department of Health Professions Investigator that she is unsure "she wants to keep practicing nursing." Ms. Leth had a LPN license which she allowed to expire in 1995. She reported that her downward spiral began in the 1990's after she learned her husband of many years was unfaithful; she began treating her symptoms with illegal drugs and alcohol at that time.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of the Board Order entered May 25, 2012, and § 54.1-3007(6) of the Code of Virginia (1950), as amended.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Violet K. Leth, R.M.A., is hereby REPRIMANDED.
2. Registration No. 0031-006107 of Violet K. Leth, R.M.A., is INDEFINITELY SUSPENDED.
3. The registration will be recorded as suspended and no longer current.
4. At such time as Ms. Leth shall petition the Board for reinstatement of her registration, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a medication aide. Ms. Leth shall be responsible for any fees that may be required for the reinstatement and renewal of the registration prior to issuance of the registration to resume practice.

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



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

Entered: July 24th, 2013

Certified True Copy

By 

Virginia Board Of Nursing