

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: SARAH CLEVELAND, R.N.**

**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, 2010, in Henrico County, Virginia. Sarah Cleveland, R.N., appeared at this proceeding and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 26, 2011, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Cleveland was not present nor was he 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. Sarah Cleveland, R.N., was issued License No. 0001-204019 to practice professional nursing in Virginia on October 3, 2006. The license is scheduled to expire on November 30, 2011. Ms. Cleveland's primary state of residence is Virginia.

2. By letter dated October 15, 2010, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Cleveland notifying her that an informal conference would be held on November 8, 2010. The Notice was sent by certified and first class mail to 644 Crumpet Court, Charlottesville, Virginia 22901, the address of record on file with the Board of Nursing. The Notice was also sent to 1302 Ponderosa Drive, Barboursville, Virginia 22923, a secondary address.

3. By Ms. Cleveland's own admission, during her employment at Martha Jefferson Hospital, Charlottesville, Virginia, from the middle of 2008 to May, 2010, she regularly diverted narcotics for her own personal and unauthorized use. Ms. Cleveland accomplished the diversion by taking the narcotics out of the hospital waste container. Furthermore, Ms. Cleveland diverted narcotics from two patients by giving them half of their ordered narcotics and taking the other half for herself.

4. On June 9, 2010, Ms. Cleveland admitted to an investigator for the Department of Health Professions that she used narcotics while on duty several times over the last couple of years. Ms. Cleveland further admitted to using alcohol and drugs for 17 years.

5. On May 6, 2010, Ms. Cleveland admitted to the Human Resources Director, Martha Jefferson Hospital, that she socially used marijuana and cocaine.

6. At the informal conference, Ms. Cleveland reported that in August, 2010, she pled guilty to first offense felony possession of a controlled substance in the Charlottesville, Virginia, Circuit Court, related to her actions in Finding of Fact No. 3. As a result of her guilty plea, Ms. Cleveland has a restricted driver's license for six months, and she is required to perform 100 hours of community service, which she performs at the Society for the Prevention of the Cruelty of Animals.

7. Ms. Cleveland reported a sobriety date of May 14, 2010. Ms. Cleveland further reported that she completed 21 days of inpatient treatment at Harrison House of Virginia, Annandale, Virginia, on June 6, 2010. She completed five weeks of intensive outpatient treatment at Blue Ridge First Step, Charlottesville, Virginia, on July 13, 2010. Ms. Cleveland reports attending Narcotics Anonymous three to four times a week and two Caduceus meetings a month. She also has daily contact with her sponsor, who attended the informal conference. Ms. Cleveland attends a counseling support group for nurses once a week and sees her psychiatrist once every three to four months. Ms. Cleveland submitted several letters of reference, including one from her counselor. She also submitted

her attendance reports for Narcotics Anonymous and Caduceus for the months of August, September, and October 2010.

8. Ms. Cleveland signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on May 20, 2010. She signed Recovery Monitoring Program Contracts with the HPMP on June 21, August 26, and November 3, 2010. A report submitted by Ms. Cleveland's HPMP case manager dated November 5, 2010, stated that Ms. Cleveland is in compliance with the HPMP and was approved to look for work on September 21, 2010, and is currently applying for nursing jobs. Ms. Cleveland reported at the informal conference that she is currently working in a non-nursing position.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 90-20-300(2)(c) of the Regulations Governing the Practice of Nursing.

2. Findings of Fact Nos. 3, 4, and 5 constitute a violation of § 54.1-3007(6) of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Sarah Cleveland, R.N., is hereby REPRIMANDED.

2. The Board shall TAKE NO FURTHER ACTION contingent on Ms. Cleveland's continued compliance with the terms and conditions set forth by the HPMP for the period specified by the HPMP.

3. This Order is applicable to Ms. Cleveland's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Cleveland shall 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 Ms. Cleveland wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

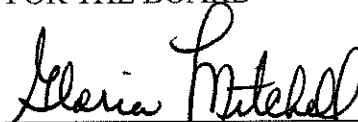
4. Ms. Cleveland shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

5. 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 Ms. Cleveland and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked. Upon receipt of information that Ms. Cleveland has successfully completed the HPMP, the Board, at its discretion, may waive Ms. Cleveland's appearance before the Board and conduct an administrative review of this matter.

This Order is subject to appeal to the Board. If Ms. Cleveland desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD



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

Entered: February 8, 2011