

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TINA J. DRY, R.N.

License No.: 0001-106237

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Tina J. Dry, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Dry's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Tina J. Dry, R.N., was issued License No. 0001-106237 to practice professional nursing by the Virginia Board of Nursing on August 17, 1987. Said license is set to expire on August 31, 2013. Her primary state of residence is Virginia.
2. During the course of her employment with MCV Hospital of the VCU Health System, Richmond, Virginia, on October 18, 2012, Ms. Dry consumed three tablets of Percocet (oxycodone, Schedule II), for which she did not have a current prescription. She appeared in an intoxicated state at a staff meeting: she was drowsy, she made unrelated and confusing comments, and she had slurred speech and glassy eyes. She tested positive for Percocet on a reasonable suspicion drug test. Her employment was terminated effective November 1, 2012, as a result of this incident.
3. Ms. Dry has a history of substance abuse, for which she has received treatment. She previously successfully completed monitoring by the Health Practitioners' Monitoring Program ("HPMP") in 2007. She relapsed on oxycodone in 2012 and diverted a family member's oxycodone for her personal use.
4. Ms. Dry entered into a Participation Contract with the HPMP on February 23, 2013. She signed a Recovery Monitoring Contract on March 18, 2013.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations.

CONSENT

Tina J. Dry, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0001-106237 of Tina J. Dry, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Dry shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of

professional nursing. Ms. Dry shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon proof of Ms. Dry's continued compliance with the HPMP.

At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

- a. Ms. Dry shall continue to 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. Dry, and an administrative proceeding shall be held to determine 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. Dry is not in compliance with the terms and conditions specified by the HPMP;
- ii. her participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against her involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Dry's participation in and in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Dry's appearance before the Board and conduct an administrative review of this matter.

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

8. Ms. Dry 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 upon request.

FOR THE BOARD

Jane Ingalls
Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: July 17, 2013

SEEN AND AGREED TO:

Tina J. Dry R.N.
Tina J. Dry, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Chesterfield, TO WIT:

Subscribed and sworn to before me, Sandra M. Smiley, a Notary Public, this 11th day of June, 2013.

My commission expires Sep 30, 2016.

Registration Number 241570.



Sandra M. Smiley
NOTARY PUBLIC

Certified True Copy
By [Signature]
Virginia Board of Nursing