

JUL 03 2013

DHP

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JESSICA V. FRIEND, R.N.
License No.: 0001-196768**

CONSENT ORDER

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

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

FINDINGS OF FACT

1. Jessica V. Friend, R.N., was issued License No. 0001-196768 to practice professional nursing by the Virginia Board of Nursing on July 8, 2005. Said license is set to expire on March 31, 2015. Her primary state of residence is Virginia.
2. During the course of her employment as a professional nurse with the Carilion Clinic New River Valley Medical Center, Radford, Virginia, beginning in June or July 2011 until February 2012, Jessica V. Friend, R.N. diverted oxycodone (Schedule II) from hospital stock for her personal and unauthorized use. As a result, she was terminated from her employment.
3. In an interview with the Department of Health Professions investigator, Ms. Friend stated that she used oxycodone at work, worked while she was impaired, and has been addicted to oxycodone for three or four years.
4. Ms. Friend signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on May 9, 2012. She was granted a stay of disciplinary action in July 2012 with the understanding that she would remain compliant with all terms and conditions of the HPMP. Ms. Friend

signed multiple Recovery Monitoring Contracts with the HPMP, with the last one being signed on November 28, 2012. The stay of disciplinary action was vacated on January 28, 2013, for missed check-ins on August 16 and December 13, 2012, a missed check-in and test on August 29, 2012, and missing a January 4, 2013, deadline to return reporting forms for October and November 2012. She is currently on pre-dismissal status.

5. In November 2012, Ms. Friend was charged in the Circuit Court of Montgomery County, Virginia, with four felony counts of obtaining drugs by fraud. On December 17, 2012, three of the cases were Nolle Prosequi and disposition on the final case was deferred until December 2013. Until that time, Ms. Friend is on probation, has a restricted driver's license for six months and must comply with and complete the Virginia Alcohol Safety Action Program ("VASAP") as a condition of her probation.

6. Ms. Friend is currently attending three alcoholics anonymous/narcotics anonymous meetings a week and has a sponsor. She also attends VASAP program once a week, counseling at the New River Valley Community Services Board – Pulaski Clinic, Pulaski, Virginia twice a month, and group counseling once a week. Ms. Friend stated that her date of sobriety is April 18, 2012. She is currently not employed in the nursing field.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2) and (5) 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.

2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Jessica V. Friend, 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. The Board shall TAKE NO ACTION at this time contingent on Jessica V. Friend's compliance with the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Friend, and an administrative proceeding shall be held to determine whether her license shall be revoked. Ms. Friend shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Friend is not in compliance with the terms and conditions specified by the HPMP;

b. Ms. Friend's participation in the HPMP has been terminated;

c. There is a pending investigation or unresolved allegation against Ms. Friend involving a violation of law, regulation, or any term or condition of this order.

d. Ms. Friend has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Friend's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Friend's appearance before the Board and conduct an administrative review of this matter.

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

4. Ms. Friend 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:

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

ENTERED: July 11, 2013

SEEN AND AGREED TO:

Jessica V. Friend
Jessica V. Friend, R.N.

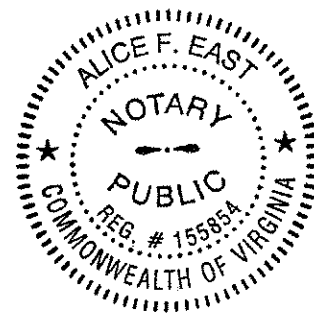
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Pulaski, TO WIT:

Subscribed and sworn to before me, Alice F East, a Notary Public, this 28th day of June, 2013.

My commission expires 5/31/14

Registration Number 155854

Alice F East
NOTARY PUBLIC



Certified True Copy

By [Signature]
Virginia Board of Nursing