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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:       BETSY CUMBIE, R.N.  
              License No.: 0001-066275

**CONSENT ORDER**

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

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

**FINDINGS OF FACT**

1.       Betsy Cumbie, R.N., was issued License No. 0001-066275 to practice professional nursing by the Virginia Board of Nursing on September 9, 1977. Said license is set to expire on November 30, 2013. Her primary state of residence is Virginia.
2.       During the course of her employment with Catawba Hospital, Catawba, Virginia, in March and April, 2006, Ms. Cumbie diverted 12 tablets of Lortab (hydrocodone, Schedule II) for her own personal and unauthorized use. She accomplished the diversion by signing out one tablet of Lortab on twelve occasions for a patient at a time during the day the patient did not have a physician's order to receive the medication. Ms. Cumbie resigned her position at Catawba Hospital before receiving disciplinary action.
3.       In November, 2006, Ms. Cumbie was admitted to Carilion Roanoke Memorial Hospital, Virginia, after having a seizure and then falling into a coma. Her physician noted that Ms. Cumbie has a history of major depression, recurrent, with seasonal variation, generalized anxiety disorder, and a history of opioid dependence and alcohol dependence.
4.       Ms. Cumbie signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on April 9, 2007. She was granted a stay of disciplinary action in October 2007 with the

understanding that she would remain compliant with all terms and conditions of the HPMP. Ms. Cumbie signed multiple Recovery Monitoring Contracts with the HPMP, with the last one being signed on October 20, 2012. The stay of disciplinary action was vacated on July 11, 2012, due to Ms. Cumbie's urine drug screen testing positive for tramadol (Schedule IV); further, Ms. Cumbie's HPMP contract was extended for six months.

6. By letter dated October 18, 2012, Ms. Cumbie's substance abuse counselor stated that Ms. Cumbie is in compliance with weekly group attendance and anticipated that Ms. Cumbie would be ready for discharge by January 1, 2013. The counselor reported to a Department of Health Professions investigator that in her opinion Ms. Cumbie is safe to practice professional nursing.

7. By letter dated January 11, 2013, Ms. Cumbie was notified that she had successfully completed the terms of her contracts with the HPMP and was successfully discharged from the program.

#### **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.

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

#### **CONSENT**

Betsy Cumbie, 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. Betsy Cumbie, R.N., is hereby REPRIMANDED.

2. Ms. Cumbie 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:

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

ENTERED: *June 21, 2013*

SEEN AND AGREED TO:

*Betsy Cumbie RN*  
Betsy Cumbie, R.N.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF *Salem City*, TO WIT:

Subscribed and sworn to before me, *Pamela S. Riddle-Yost*, a Notary Public, this *5* day of *June*, 2013.

My commission expires *10-31-2014*.

Registration Number *307565*.

*Pamela S. Riddle-Yost*  
NOTARY PUBLIC

Certified True Copy

By *[Signature]*  
Virginia Board of Nursing