

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: REGINA MCPHERSON, R.N.  
License No.: 0001-050036**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-402,1 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 April 11, 2013, in Henrico County, Virginia. Regina McPherson, R.N., was present and was represented by Margaret Hardy, Esq. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. McPherson was not present nor was she represented by legal counsel. She submitted written comments/objections.

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. Regina McPherson, R.N., was issued License No. 0001-050036 to practice professional nursing in Virginia on August 18, 1972. The license is scheduled to expire on October 31, 2014. Virginia is her primary state of residency.
2. By letter dated March 20, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. McPherson notifying her that an informal conference would be held on April 11, 2013. The Notice was sent by certified and first class mail to 505 Oakwell Court, Chesapeake, Virginia 23322, the address of record on file with the Board of Nursing.
3. By Amended Order of the Board entered September 20, 2012, the Board deferred final

disposition of the matter and ordered Ms. McPherson to undergo a neuropsychological evaluation by a mental health/chemical dependency specialist and have a written report of the evaluation submitted to the Board, based on the following findings:

a. During the course of her employment with Sentara Norfolk General Hospital, Norfolk, Virginia, on June 20, 2011, by her own admission, Ms. McPherson documented patient care activity on three patients prior to their arrival at pre-operative registration. Ms. McPherson's employment with Sentara Norfolk General Hospital was terminated on June 24, 2011. There was no patient harm.

b. Prior to the incident of June 20, 2011, Ms. McPherson was asked to participate in the Employee Assistance Program voluntarily following an error during a procedure and had been placed on a performance improvement plan. Ms. McPherson's employment records reflect an episodic decline in her performance beginning in 2008.

c. Ms. McPherson acknowledged that she suffered a period of depression, which was diagnosed as major depressive disorder, in 2008. Since that time she has been followed by Atlantic Psychiatric Services, Virginia Beach, Virginia. Ms. McPherson stated that family relationship issues contributed to her difficulties in 2008.

4. A Board-approved psychologist evaluated Ms. McPherson on June 15, 2012, and concluded that "there was no evidence of a clinically significant cognitive, emotional, or substance abuse disorder that would preclude her from returning to work as a nurse."

5. Ms. McPherson is currently employed at an outpatient clinic in Chesapeake, Virginia. In a letter dated April 3, 2013, Ms. McPherson's supervisor described Ms. McPherson as "reliable, committed, compassionate, and competent."

6. At the informal conference, Ms. McPherson stated she agreed with the psychologist's report. Ms. McPherson also noted that she returned to work six days before the June 20, 2011, incident

described in Finding of Fact No. 3(a) occurred. Ms. McPherson had been away from work because she suffered an injury to her humerus and had several surgeries related to the injury in 2010, causing an eight-month period of partial immobility.

### **CONCLUSIONS OF LAW**

Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing.

### **ORDER**

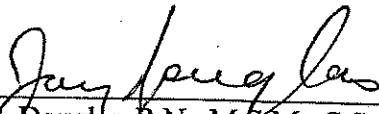
WHEREFORE, it is hereby ORDERED as follows:

1. Regina McPherson, R.N., is hereby REPRIMANDED.
2. Ms. McPherson 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 § 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.

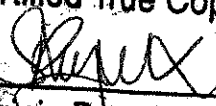
Pursuant to Section 54.1-2400(10) of the Code, Ms. McPherson may, not later than 5:00 p.m., on July 17, 2013, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

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

ENTERED: June 14<sup>TH</sup>, 2013

This Order shall become final on July 17, 2013 unless a request for a formal administrative hearing is received as described above.

Certified True Copy  
By   
\_\_\_\_\_  
Virginia Board of Nursing