

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

AMENDED 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 March 7, 2012 in Henrico County, Virginia. Regina McPherson, R.N., was present and was represented by Courtney Williams, Esquire. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 16, 2012, 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. Ms. McPherson 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, 2012. Virginia is her primary state of residency.
2. By letter dated February 11, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. McPherson notifying her that an informal conference would be held on March 7, 2012. 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. 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.

4. 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.

5. At the informal conference, 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.

6. Ms. McPherson stated at the informal conference that family relationship issues contributed to her difficulties in 2008. In addition, Ms. McPherson suffered an injury to and surgery on the humerus in 2010, causing an eight month period of partial immobility.

7. Ms. McPherson is currently taking Benecar, Crestor, and Welbutrin daily.

8. Ms. McPherson resigned in lieu of termination from her 30-year long employment at Chesapeake General Hospital in the 2007 after a verbal altercation with her supervisor. She has had no nursing employment since Sentara, but volunteers 10-15 hours per week at the Chesapeake Free Clinic.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-2-0300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing.

2. After preliminary investigation, the Board finds that there is probable cause to believe that Regina McPherson, R.N., may be unable to practice nursing with reasonable skill and safety to patients due to excessive use of alcohol or drugs or physical or mental illness.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. In consideration of the foregoing Findings of Fact and Conclusions of Law, I recommend that pursuant to §54.1-2400(15) of the Code, the Board ORDER Regina McPherson, R.N., to undergo a neuropsychological evaluation by a mental health/chemical dependency specialist satisfactory to the Board and to have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within 90 days after the date that this Order is entered. Upon receipt of the required information, the Board may request that Ms. McPherson reappear at an informal conference in order to consider the specialist's recommendations and to make a final disposition of the matter.
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.
3. 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 Regina McPherson, R.N., and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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 October 23, 2012, 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:



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

ENTERED: September 20th, 2012

This Order shall become final on October 23, 2012 unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By draham
Virginia Board of Nursing