

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LINDSEY LIVINGSTONE, L.P.N.
License No.: 0002-086598

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 April 11, 2013, in Henrico County, Virginia. Lindsey Livingstone, L.P.N., was not present nor was she represented by legal counsel. 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. Livingstone was not present nor was she represented by legal counsel.

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. Lindsey Livingstone, L.P.N., was issued License No. 0002-086598 to practice practical nursing by the Virginia Board of Nursing on February 21, 2012. Said license is set to expire on November 30, 2014. Ms. Livingstone's primary state of residence is Virginia.

2. By letter dated March 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Livingstone notifying her that an informal conference would be held on April 11, 2013. The Notice was sent by certified and first class mail to 110 N. Oceana Boulevard, Virginia Beach, Virginia 23454, the address of record on file with the Board of Nursing. The certified mail receipt and the notice sent by first class mail were not returned to the Board's office. The notice was also sent to 1526 Sangaree Circle, Virginia Beach, Virginia 23464, a secondary address. The certified mail receipt and the notice sent by first class mail to the secondary address were not returned to the Board's office. The Agency Subordinate

concluded that adequate notice was provided to Ms. Livingstone, and the informal conference proceeded in her absence.

3. On November 23, 2011, the Board entered an Order approving Ms. Livingstone's application for licensure by examination as a practical nurse ("Board's Order") with terms. Term No. 1 of the Order made the approval contingent upon her entry into and compliance with the terms of the Health Practitioners' Monitoring Program ("HPMP") based on findings that she was convicted of driving under the influence in 2004 and again in 2005, and an admitted history of substance abuse.

4. Ms. Livingstone signed a Participation Contract with the HPMP on November 10, 2011, and she signed Recovery Monitoring Contracts on February 6, 2012, and April 13, 2012.

5. Ms. Livingstone was dismissed from the HPMP on July 20, 2012, for noncompliance, including failing to enter and complete treatment as recommended, and failing to call the screening test line on February 7 and February 28, 2012, and May 4, May 10, and May 25, 2012.

6. On August 7, 2012, Ms. Livingstone sent a letter to the Board stating that she could not afford to participate in the HPMP and advised that she was seeking to transfer her license to the State of Washington.

CONCLUSIONS OF LAW

Finding of Fact #5 constitutes a violation of Term No. 1 of the Board's Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Lindsey Livingstone, L.P.N., is hereby REPRIMANDED.
2. License No. 0002-086598 of Lindsey Livingstone, L.P.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Livingstone 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 practical nursing. Ms. Livingstone 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.

5. This suspension applies to any multistate privilege to practice practical nursing in the Commonwealth of Virginia.

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.

Since Ms. Livingstone failed to appear at the informal conference, this Order shall be considered final. Ms. Livingstone has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Livingstone has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, L.P.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD:


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

Entered: June 14th, 2013

Certified True Copy

By 
Virginia Board of Nursing