

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: NANCY BIRCKHEAD, R.N.
License No.: 0001-169268**

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. Nancy Birckhead, R.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. Birckhead 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. Nancy Birckhead, R.N., was issued License No. 0001-169268 to practice professional nursing in Virginia on June 27, 2000. The license is scheduled to expire on September 30, 2013.
2. By letter dated March 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Birckhead notifying her that an informal conference would be held on April 11, 2013. The Notice was sent by certified and first class mail to 4691 Buddy's Place Lane, Earlysville, Virginia 22936, the address of record on file with the Board of Nursing. The certified mail was returned to the Board office marked "Refused." The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Birckhead and the informal conference proceeded in her absence.

3. By Consent Order entered April 19, 2012, the Board took no action against Ms. Birckhead contingent upon her compliance with the Health Practitioners' Monitoring Program, which she had entered in 2010. This action was based on findings that Ms. Birckhead had a history of addiction to narcotic pain medications and that she diverted oxycodone while employed at the University of Virginia HealthSouth Rehabilitation Hospital, Charlottesville, Virginia, in 2010.

4. Ms. Birckhead was dismissed from the HPMP on July 20, 2012, for noncompliance. Specifically, she continued to use hydrocodone (Schedule II), stopped calling the test line in May 2012, and submitted a letter of resignation on June 21, 2012.

5. In the six-month period prior to her dismissal from HPMP, Ms. Birckhead filled at least 12 prescriptions for oxycodone (Schedule II).

6. Ms. Birckhead has not practiced nursing since entering HPMP in 2010.

CONCLUSIONS OF LAW

1. Finding of Fact #4 constitutes a violation of Term No. 1 of the Board's Order entered April 19, 2012.

2. Finding of Fact #5 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Nancy Birckhead, R.N., is hereby REPRIMANDED.

2. License No. 0001-169268 of Nancy Birckhead, R.N., is INDEFINITELY SUSPENDED.

3. The license will be recorded as suspended and no longer current.

4. At such time as Ms. Birckhead shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the

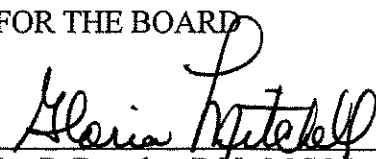
safe and competent practice of nursing. Ms. Birckhead shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

5. This suspension applies to any multistate privilege to practice professional nursing.

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.

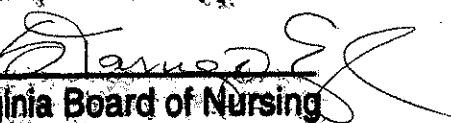
Since Ms. Birckhead failed to appear at the informal conference, this Order shall be considered final. Ms. Birckhead has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Birckhead has thirty (30) days from 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, R.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

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

Entered: June 13, 2013

Certified True Copy

By 
Virginia Board of Nursing