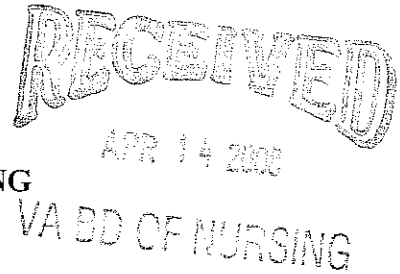


VIRGINIA:

IN RE:

BEFORE THE BOARD OF NURSING

JENNIFER BRYANT, R.N.



**CONSENT 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 held before an appointed Agency Subordinate for the Virginia Board of Nursing ("Board") on December 10, 2007, in Henrico County, Virginia. Ms. Bryant was present and was not represented by counsel. Nancy Durrett, R.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 19, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Bryant 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.

**FINDINGS OF FACT**

1. Jennifer Bryant, R.N., was issued License No. 0001-175195 to practice professional nursing in Virginia on August 1, 2001. The license is current.
2. By letter dated November 21, 2007, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Bryant notifying her that an informal conference would be held on December 10, 2007. The Notice was sent by certified and first class mail to 46 Pegs Lane, Fredericksburg, VA 22405, the address of record on file with the Board of Nursing.
3. Ms. Bryant had been ordered to comply with the terms of a Board Order entered September 19, 2006 ("Board's Order"). The Board's Order placed Ms. Bryant on Probation with Terms following a

pre-employment drug screen that was positive for methadone and evidence that she had overused prescription medications, including opiates, that she obtained from both her own physician and over the Internet.

a. Term #2 required Ms. Bryant to send written reports to the Board of Nursing according to specific timetables. Her reports, including drug screens, self-reports, and logs documenting attendance at recovery group meetings, were consistently late and sometimes missing as detailed below.

b. Term #3 required Ms. Bryant to provide written notification to the Board of the acceptance or change in nursing employment. Ms. Bryant began her nursing position in May, 2007, but did not report her new employment until the end of June, 2007.

c. Term #5 required Ms. Bryant to instruct her employer(s) to submit performance evaluations to the Board. Her employer has not submitted said evaluations.

d. Term #6 required Ms. Bryant to complete a mental health and substance abuse evaluation within a designated time frame. Said evaluation was due on December 12, 2006. It was not received by the Board of Nursing until July 25 2007.

e. Term #7 required Ms. Bryant to instruct her therapist to submit quarterly progress reports to the Board; Ms. Bryant was required to submit logs of support group attendance to the Board. Ms. Bryant's therapist has not sent reports to the Board, nor has Ms. Bryant submitted logs of support group attendance.

f. Term #8 required Ms. Bryant to seek prescriptions only from doctors with whom she has established a genuine physician/patient relationship and to have prescribing doctors provide written reports to the Board. Ms. Bryant ordered two prescriptions over the internet from a Canadian doctor with whom she did not have a genuine physician/patient relationship; some of her prescribing doctors have not filed reports with the Board.

g. Term #9 required Ms. Bryant to have at least one supervised, random drug screen a month, which included testing for alcohol and hydrocodone. Ms. Bryant’s drug screens have not been random and did not include testing for alcohol and hydrocodone.

h. Term #10 required Ms. Bryant to provide all current and future treating practitioners with a complete copy of the Board’s Order. Ms. Bryant has not given all of her treating practitioners a copy of the Board’s Order.

i. Term #11 required Ms. Bryant to submit quarterly “Self-Reports.” Her self reports have been consistently late. Ms. Bryant’s first report was due December 30, 2006, but arrived on January 31, 2007; her second report was due in March, 2007, but was received on June 19, 2007.

4. At the informal conference, Ms. Bryant admitted that from July, 2006, to April, 2007, she neglected the terms of her order as she was unable to find work as a nurse. However, when she was rehired by the Woodbine Nursing Home, Alexandria, Virginia, on May 31, 2007, that became a turning point with regard to her compliance and with her recovery. Ms. Bryant stated that she began going to Narcotics Anonymous in August, 2007, and has a sponsor through that organization who has been a great support. Ms. Bryant stated that she was currently “on track” with all reports except those from her therapist, and this was verified by Tonya James, her compliance case manager.

**CONCLUSIONS OF LAW**

Finding of Fact #3 constitutes a violation of the Board Order entered September 19, 2006.

**CONSENT**

Jennifer Bryant, R.N., by affixing her signature hereon, agrees to the following:

1. Ms. Bryant has been advised to seek advice of counsel prior to signing this document;
2. Ms. Bryant 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. Ms. Bryant acknowledges that she has the following rights, among others: the right to a formal fact finding hearing 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. Ms. Bryant waives all such right to a formal hearing;

5. Ms. Bryant admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;

6. Ms. Bryant 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. License No. 0001-175195 of Jennifer Bryant, R.N., is INDEFINITELY SUSPENDED.

2. This suspension shall be STAYED upon proof of entry into the HPIP and compliance with a Recovery Monitoring Contract with the Health Practitioners' Intervention Program ("HPIP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPIP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Bryant shall comply with all terms and conditions for the period specified by the HPIP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Jennifer Bryant, R.N., and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

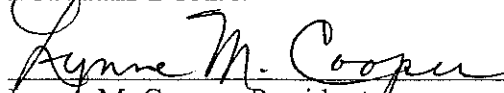
- i. Ms. Bryant is not in compliance with the terms and conditions specified by the HPIP;
- ii. Ms. Bryant’s participation in the HPIP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Bryant involving a violation of law, regulation, or any term or condition of this order.

3. This Order is applicable to Ms. Bryant’s multistate licensure privileges, if any, to practice nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Bryant shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Bryant wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Bryant 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

  
Lynne M. Cooper, President  
Virginia Board of Nursing

ENTERED: May 21<sup>ST</sup>, 2008

SEEN AND AGREED TO:

  
Jennifer Bryant, R.N.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Stafford, TO WIT:

Subscribed and sworn to before me, Rhonda H. Ruffin, a Notary Public, this 11<sup>th</sup> day of April, 2008.

My commission expires 11.14.09(09)

Registration Number 307174

  
NOTARY PUBLIC

