

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ELEANOR BARNARD, L.P.N.
License No.: 0002-079686

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on April 3, 2013, in Henrico County, Virginia, to inquire into evidence that Eleanor Barnard, L.P.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Barnard was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Eleanor Barnard, L.P.N., was issued License No. 0002-079686 to practice practical nursing in the Commonwealth of Virginia on January 18, 2009. Said license expires on November 30, 2013. Her primary state of residence is Virginia.
2. By letter dated March 5, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Barnard notifying her that an informal conference would be held on April 3, 2013. The Notice was sent by certified and first class mail to 2260 London Street, Apt. A, Chesapeake, Virginia 23454, the address of record on file with the Board of Nursing.
3. During the course of her employment with Autumn Care of Chesapeake, Chesapeake, Virginia:
 - a. On October 4, 2012, Ms. Barnard withdrew one Xanax tablet (alprazolam, Schedule IV) from a resident’s supply and failed to account for its administration, wastage, or return. Ms. Barnard stated at the informal conference that she withdrew the tablet and dropped it on the floor, then disposed of it in the sharps

container, and failed to have the wastage witnessed. She then documented the wastage on the wrong resident's controlled substance record.

b. On September 7, 2012, Ms. Barnard documented administering her assigned residents' afternoon medications before 11:30 a.m., including, by her own admission, signing out a 2:00 p.m. medication at 9:00 a.m. One of the medications was discontinued before the 1:00 p.m. dose was due.

4. Based on the events in Finding of Fact No. 3(a), on October 10, 2012, Ms. Barnard submitted a urine sample that tested positive for opioids, for which she did not have a prescription. By her own admission, she had ingested a family member's Vicodin (hydrocodone, Schedule II) and a friend's cough syrup.

5. Ms. Barnard's employment with Autumn Care was terminated on October 22, 2012.

6. On her application for employment with Autumn Care, which she signed on May 11, 2009, Ms. Barnard omitted her prior employment with and termination from Virginia Beach Healthcare. That employment had been terminated for a HIPAA violation. Ms. Barnard stated at the informal conference that she did not include her employment with and termination from Virginia Beach Healthcare on her Autumn Care application because she believed it would reflect negatively on her.

7. Ms. Barnard has been employed at four different facilities in the past three years. Two of those employments have been terminated.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and 3(b) constitute violations of § 54.1-3007(5) of the Code.
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Eleanor Barnard, L.P.N., is hereby REPRIMANDED.

2. Ms. Barnard shall provide the Board with verification that she has completed the following three NCSBN online courses within 60 days of the date this Order is entered: *Medication Errors: Detection and Prevention; Professional Accountability and Legal Liability for Nurses; and Documentation: A Critical Aspect of Client Care.*

3. Ms. Barnard shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

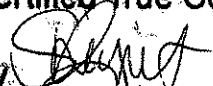
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Barnard and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

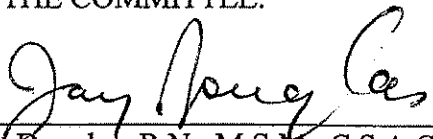
Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Barnard may, not later than 5:00 p.m., on May 22, 2013, notify Jay P. Douglas, 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 COMMITTEE:

Certified True Copy

By 
Virginia Board of Nursing


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

ENTERED: April 19th, 2013

This Order shall become final on May 22, 2013 unless a request for a formal administrative hearing is received as described above.