

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: VIRGINIA A. WATKINS, R.N.
License No.: 0001-155042**

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 October 5, 2011, in Henrico County, Virginia. Virginia A. Watkins, R.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 16, 2011, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Watkins 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. Virginia A. Watkins, R.N., was issued License No. 0001-155042 to practice professional nursing in Virginia on July 24, 1997. The license is scheduled to expire on October 31, 2013. Her primary state of residence is Virginia.
2. By letter dated September 2, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Watkins notifying her that an informal conference would be held on October 5, 2011. The Notice was sent by certified and first class mail to 4850 West Old Mountain Road, Louisa, Virginia 23093, the address of record on file with the Board of Nursing.

3. During the course of her employment with AseraCare Hospice, Richmond, Virginia:

a. Between January 4 and January 7, 2011, Ms. Watkins failed to adequately change a patient's wound dressing by not removing the packing causing it to deteriorate. The family requested she not return.

b. Between August 23 and 26, 2010, Ms. Watkins failed to visit a needy admitted patient who had orders for daily visits with daily wound care stating she didn't know visits were to be daily.

4. On March 15, 2011, in the General District Court of Louisa County, Virginia, Ms. Watkins was convicted of driving while under the influence of alcohol, with a blood alcohol concentration of 0.16, for an incident that occurred on October 9, 2010. She was sentenced to 90 days in jail with 85 days suspended, and fined \$1000.00 with \$500.00 suspended. She was ordered to complete the Virginia Alcohol Safety Action Program (VASAP) and have an ignition interlock device installed for six months. On June 16, 2011, a case manager from the VASAP reported to the Department of Health Professions ("DHP") investigator that the device was activated April 19, 2011, and is checked once a month by the installation company for violations. Ms. Watkins reported that in July, 2011, a violation was reported for an alcohol reading of .022. Ms. Watkins did not report for a voluntary urinary drug screen and she was required to have the device installed for an additional three months.

5. In November, 2010, Ms. Watkins reported to her physician that she was consuming up to ten liters of wine weekly. Management at AseraCare Hospice documented that on September 9, 2010, Ms. Watkins admitted that she had been drinking alcohol while on duty; however, Ms. Watkins denied drinking on the job or telling them that she did. Ms. Watkins stated to the DHP investigator that she reported to work on occasions where she felt the effects of alcohol she drank the night before.

6. Ms. Watkins reported a sobriety date of March 27, 2011. Ms. Watkins stated that she has completed the VASAP class and attends Alcoholics Anonymous meetings three to four times week and has a sponsor; however, she did not provide any documentation of her attendance at Alcoholics Anonymous. Ms. Watkins is not in any formal substance abuse treatment program.

7. Ms. Watkins is currently unemployed. She was employed at AseraCare Hospice from August 2008 to February 16, 2011, when her employment was terminated due to a reduction in staff. Prior to that, she was employed at Renaissance Health Care from July, 2007, to April, 2008.

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 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.
2. Findings of Fact Nos. 4 and 5 constitute a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-155042 of Virginia A. Watkins, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Watkins 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 professional nursing. Ms. Watkins 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.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon proof of Ms. Watkins' entry into the Health

Practitioners' Monitoring Program ("HPMP") 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 HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Watkins shall comply with all terms and conditions for the period specified by the HPMP.

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 Virginia A. Watkins, 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. Watkins is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Watkins' participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Watkins involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Watkins' participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Watkins' appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. Watkins' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Watkins 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 she wishes to work. Any requests for out of state employment should be directed, in


writing, to the Executive Director of the Board.

8. Ms. Watkins 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 § 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. Watkins may, not later than 5:00 p.m., on December 27, 2011, 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:


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

ENTERED: November 23, 2011

This Order shall become final on December 27, 2011, unless a request for a formal administrative hearing is received as described above.