

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

LISA B. CASH, L.P.N.

ORDER

Pursuant to § 9-6.14:11, § 54.1-2400(10) and § 54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), a Special Conference Committee ("Committee") of the Board of Nursing met on October 26, 1999, in Henrico County, Virginia, to receive and act upon evidence that Lisa B. Cash, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in Virginia. Ms. Cash was not present and Robert H. Smallenberg, Esquire, appeared on Ms. Cash's behalf. As a preliminary matter, Mr. Smallenberg requested a continuance on Ms. Cash's behalf. Upon consideration of the request for a continuance, the Committee denied the request, and adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Lisa B. Cash, L.P.N., holds License No. 0002-033940 issued by the Virginia Board of Nursing.
2. On or about October 26, 1999, Mr. Smallenberg represented to the Committee that Ms. Cash was willing to enter into the Health Practitioners' Intervention Program.
3. From approximately January 14, 1993 until November 4, 1994, Ms. Cash was employed with Village Green Family Practice ("the Practice"), Midlothian, Virginia. Further, from January 14, 1993 until June 7, 1999, she was a patient of Anna Bittner, M.D., a physician in the Practice. Ms. Cash resigned her employment from the Practice in 1994, and she was terminated as a patient on or about June 7, 1999, for non-payment of medical bills. While a patient:
 - a) On or about June 2, 1999, a nurse representing herself as "Cathy" from the Practice telephoned in to Walgreen's, Richmond, Virginia, a prescription for Norco (a Schedule II controlled substance), authorized by Dr. Bittner for "Lisa" (last name unclear). When the

pharmacist attempted to verify the prescription, Cathy Adams, L.P.N., a nurse at the Practice denied telephoning in a prescription authorized for "Lisa Cash."

- b) On or about May 25, 1999, Ms. Cash received a prescription for Vicodin (hydrocodone, a Schedule II controlled substance) from Patient First, Richmond, Virginia. However, she failed to advise Dr. Bittner of the prescription pursuant to an agreement with the doctor regarding receiving prescription medication from other physicians.
- c) On or about May 10, 1999, Ms. Cash telephoned the Practice and requested a prescription for pain medication due to recent dental work. The prescription was not authorized and Ms. Cash was advised to contact her dentist.

4. During the course of Ms. Cash's employment with Health Care Concepts, Inc., Richmond, Virginia:

- a) On or about February 2, 1999, Ms. Cash received a counseling report which addressed failing to make home visits to assigned patients, failing to appropriately respond to pages, failing to correct deficiencies on patients' charts in a timely manner, and failing to accurately follow procedures established for discharging patients. Since she was previously counseled about these issues on December 4, 1998, and there was no improvement noted, she was placed on a two (2) month leave of absence.
- b) On or about December 3, 1998, Ms. Cash received a counseling report that addressed failing to accurately follow procedures established for discharging patients, failing to follow up on assigned patients, failing to communicate with patient's social workers, physical therapists, occupational therapists, etc, failing to make home visits to assigned patients, and failing to give the Director of Nurses copies of verbal orders as directed for her assigned patients.
- c) On or about December 4, 1998, Ms. Cash received a counseling report which addressed

failing to make home visits to assigned patients, failing to appropriately respond to pages, failing to correct deficiencies on patients' charts in a timely manner, and failing to accurately follow procedures established for discharging patients.

5. During the course of Ms. Cash's employment with the Medical College of Virginia, Richmond, Virginia, in the risk management department, from October 7, 1996 until July 25, 1998, Ms. Cash received two (2) written notices in her personnel file for chronic and excessive tardiness and absences.
6. On or about June 16, 1999, by her own admission, during an interview with the investigator with the Department of Health Professions:
 - a) Ms. Cash has suffered from migraine headaches for many years and has used pain medication with an increased frequency.
 - b) Ms. Cash admitted herself on June 8, 1999, to Chippenham Tucker Pavilion, Richmond, Virginia, for detoxification.
7. On or about June 16, 1999, during an interview with the investigator of the Department of Health Professions, Ms. Cash denied having any criminal convictions; however, it was determined that on or about June 8, 1999, in the Circuit Court of Chesterfield County, Virginia, Ms. Cash pled nolo contendere to petit larceny, a misdemeanor. The court withheld findings, and she was ordered to complete eighty (80) hours of community service, provide evidence of continued counseling through the Medical College of Virginia Family Counseling Services, and provide evidence of having a psychological assessment. Ms. Cash reappeared on August 18, 1999, pursuant to the above, and the matter was taken under advisement until June 8, 2000, conditioned upon Ms. Cash continuing with psychological counseling.
8. From approximately January 3, 1999 until June 7, 1999, Ms. Cash has received approximately

1,134 tablets of hydrocodone (a Schedule III controlled substance), oxycodone (a Schedule II controlled substance) and Stadol (a Schedule IV controlled substance).

9. Ms. Cash's primary care physician, as well as physicians to which she was referred, have reported that they are concerned about Ms. Cash's overuse of narcotics.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Committee concludes that Lisa B. Cash, L.P.N., has violated § 54.1-3007(2), (3), (5), (6) and (8) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations of the Board of Nursing.

ORDER

On the basis of the foregoing, it is hereby ORDERED that the Committee DEFER action regarding this matter, contingent upon the following terms and conditions:


1. Ms. Cash shall enter into the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code of Virginia (1950), as amended, and 18 VAC 76-10-10, et. seq., of the Regulations Governing the Health Practitioners' Intervention Program and shall have proof of entry into the HPIP provided to the Board within thirty (30) days from the date this Order is final.
2. Ms. Cash shall comply with all terms and conditions for the period specified by the HPIP.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Cash, and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Cash shall be noticed to appear before a Committee at such time as the Board is notified that:
 - a) Ms. Cash has failed to enter into the HPIP by the above time period, or
 - b) Ms. Cash is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or

- c) There is a pending investigation or unresolved allegations against Ms. Cash involving a violation of law, regulation or any term or condition of this order, or,
- d) Ms. Cash has successfully completed the specified period of participation in the HPIP. However, upon receipt of evidence of Ms. Cash's participation in and compliance with the HPIP, the Committee, at its discretion, may waive Ms. Cash's appearance before the Committee, and conduct an administrative review of this matter.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, 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.

If Ms. Cash does not consent to the committee's decision and desires a hearing before the Board or a panel thereof, she shall notify, in writing, Nancy K. Durrett, R.N., M.S.N., Executive Director, Board of Nursing, 6606 W. Broad Street, Fourth Floor, Richmond, Virginia 23230-1717 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a written request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in § 9-6.14:12 of the Code of Virginia (1950), as amended.

FOR THE BOARD



Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

11/5/99

ENTERED

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Lisa B. Cash, L.P.N., at 13401 Winning Colors Lane, Midlothian, Virginia 23112, and to Charles Ayers, Esquire, 710 N. Hamilton Street, Richmond, Virginia 23230.

for Jay Douglas

Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

November 5, 1999

Date