

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TABITHA GREGORY, L.P.N.
License No.: 0002-087952

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 December 10, 2013, in Henrico County, Virginia, to inquire into evidence that Tabitha Gregory, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. Ms. Gregory was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Tabitha Gregory, L.P.N., was issued License No. 0002-087952 to practice practical nursing in the Commonwealth of Virginia on October 4, 2012. Said license expires on March 31, 2014. Ms. Gregory holds a certificate to practice as a nurse aide in Virginia that is expired. Her primary state of residence is Virginia.

2. By letter dated November 8, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gregory notifying her that an informal conference would be held on December 10, 2013. The Notice was sent by certified and first class mail to 1014 7th Street, Altavista, Virginia 24517, the address of record on file with the Board of Nursing.

3. On June 7, 2013, Ms. Gregory had a car accident after she took one dosage unit of Xanax (alprazolam, Schedule IV) and one dosage unit of Valium (diazepam, Schedule IV), for which she did not

have a current prescription, with alcohol. Ms. Gregory was admitted to Lynchburg General Hospital Emergency Department, Lynchburg, Virginia, following the accident with a complaint of an “altered mental status.” Ms. Gregory submitted a urine drug screen that was positive for benzodiazepine, opiates, and amphetamine, for which she did not have a current prescription. Ms. Gregory was then transported to Virginia Baptist Hospital, Lynchburg, Virginia, for inpatient psychiatric treatment where she was diagnosed with major depression, recurrent, severe, and polysubstance dependence.

4. On March 4, 2013, family members found Ms. Gregory unresponsive, and they took her to Lynchburg General Hospital where Ms. Gregory took a drug screen that was positive for benzodiazepines, opiates, and methadone, for which she did not have a current prescription. On March 9, 2013, Ms. Gregory was admitted to Virginia Baptist Hospital where she was diagnosed with major depression, severe.

5. Ms. Gregory admitted to a Department of Health Professions investigator that between December 2012 and June 2013, on several occasions, she purchased narcotics and benzodiazepines from people who were co-workers, at the time, for her own personal and unauthorized use.

6. Ms. Gregory signed a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) on November 17, 2013. At the Informal Conference, Ms. Gregory admitted that she suffers from addiction, and stated that she is committed to HPMP. Ms. Gregory attended inpatient substance abuse treatment in June and July, 2013, at Pathways Treatment Center, Lynchburg, Virginia. At the informal conference, Ms. Gregory reported that she sees a psychiatrist once every two to three months for medication maintenance. The psychiatrist prescribes lamotrigine, trazodone, and buspar, to Ms. Gregory. Ms. Gregory attends Narcotics Anonymous once a week, and she reports that she does not have a sponsor. She also reports her date of sobriety is June 11, 2013.

7. Liberty Ridge Health and Rehabilitation, Lynchburg, Virginia, hired Ms. Gregory on April 30, 2013, and terminated her employment on June 7, 2013, for a “no call/no show” to her scheduled shift,

which is the date of her accident and hospitalization as stated in Finding of Fact No. 3. Ms. Gregory has had two nursing employments in the last year, and she reports that she is not currently employed.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3, 4, and 5 constitute a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Based on the above Findings of Fact, the Committee concludes that Tabitha Gregory, R.N., is properly enrolled in the Health Practitioners’ Monitoring Program (“HPMP”).

ORDER

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

1. The Committee shall TAKE NO ACTION at this time contingent on Ms. Gregory’s continued compliance with the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Gregory, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Gregory shall be noticed to appear before the Board at such time as the Board is notified that:

a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Gregory’s participation in and compliance with the

HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

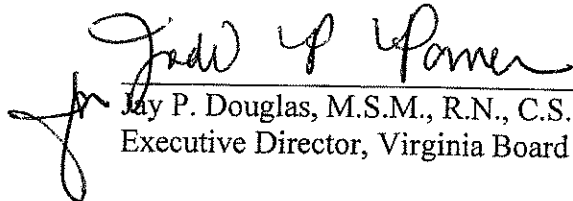
3. This Order is applicable to Ms. Gregory's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Gregory shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia 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.

4. Ms. Gregory 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.

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. Gregory may, not later than 5:00 p.m., on **January 29, 2014**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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:


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

ENTERED: December 27, 2013

This Order shall become final on **January 29, 2014**, unless a request for a formal administrative hearing is received as described above.