

IN THE MATTER OF

\*

REBECCA HUTCHISON

\*

BEFORE THE MARYLAND

LICENSE No.: R180676

\*

BOARD OF NURSING

CERTIFICATE No. MT0042466

CERTIFICATE No. A00080309

\* \* \* \* \*

CONSENT ORDER OF PROBATION  
OF  
REGISTERED NURSING LICENSE  
AND  
MEDICATION TECHNICIAN CERTIFICATE  
AND  
CERTIFIED NURSING ASSISTANT CERTIFICATE

On January 26, 2021, the Maryland Board of Nursing received a speed memo from the Texas Board of Nursing that the Texas Registered Nurse license of **REBECCA HUTCHISON** (the “Respondent”) was disciplined in Texas on January 21, 2021. The Maryland Board of Nursing (the “Maryland Board”) investigated the matter, and on September 20, 2021, issued a “Notice of Agency Action: Charges under the Maryland Nurse Practice Act” (“Charges”), against the Respondent’s Maryland Registered Nurse license, Medication Technician certificate, and Certified Nursing Assistant certificate. The Charges allege that the Respondent violated the Maryland Nurse Practice Act (“the Act”), Md. Code Ann., Health Occupations Article (“Health Occ.”) § 8-316 (a) (3) and Health Occ. § 8-6A-10(a) (20) and (26).

On March 8, 2022, the Respondent attended a Case Resolution Conference (“CRC”), in an effort to resolve the Maryland Board’s charges in lieu of an evidentiary hearing before the Maryland Board. The Assistant Attorney General—Administrative Prosecutor, also attended the CRC on behalf of the State. At the CRC, the Respondent and the State agreed to, and the Maryland Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order.

### **I. FINDINGS OF FACT**

The Maryland Board finds that:

1. On February 19, 2008, the Respondent was issued a Registered Nurse ("RN") license in the State of Maryland. The Respondent's RN license has a status of "active - compact" and is due to expire on August 28, 2023.
2. On November 12, 2006, the Respondent was issued a Medication Technician ("MT") certificate in the State of Maryland. The Respondent's MT certificate is "non-renewed" and expired on August 28, 2007.
3. On July 1, 2006, the Respondent was issued a Certified Nursing Assistant ("CNA") certificate in the State of Maryland. The Respondent's CNA is "non-renewed" and expired on August 28, 2009.

### **STATE OF TEXAS – BOARD OF NURSING ("TEXAS BOARD"):**

4. On January 12, 2021, the Texas Board ratified and adopted an Agreed Order, signed by the Respondent on November 12, 2020, wherein the Respondent agreed to receive the sanction of reprimand with stipulations and to the placement of her RN license in inactive status.<sup>1</sup>
5. The Agreed Order included the following agreed facts:
  - i. [The] Respondent was licensed to practice professional nursing in the State of Texas on September 8, 2017.
  - ii. At the time of the initial incident, [the] Respondent was employed as a Registered Nurse with a medical facility (the "Facility")<sup>2</sup> in Texas, and had been in that position for seven (7) months.
  - iii. On or about August 4, 2018, and August 5, 2018, while employed as a Registered Nurse with the Facility, [the] Respondent withdrew two (2) Tramadol HCL 50mg

<sup>1</sup> On September 8, 2017, the Respondent was issued a Registered Nurse license, license number 930320, in the State of Texas. The Respondent's Texas RN license expired on January 21, 2021.

<sup>2</sup> In order to maintain confidentiality, facility, patient and employee names will not be used in this document but will be provided to the Respondent upon request.

8. The Respondent's performance evaluations covering the period of July 2019 through June 2021 includes ratings that indicate the Respondent meets or exceeds performance standards.
9. The Respondent is expected to begin employment as a home health care case manager within the next few weeks.

### **DISCUSSION**

The Texas Board disciplined the Respondent's Texas nursing license for acts that are grounds for disciplinary action under the Board's disciplinary statutes. The Texas disciplinary action stemmed from the Respondent's actions while employed as an RN and involved multiple incidents of diversion of CDS and the Respondent's admission to diverting CDS and self-medicating. Therefore, the Board finds that the Respondent violated Health Occ. § 8-316(a)(3) with underlying grounds Health Occ. § 8-316 (a)(8), and Health Occ. § 8-316(a) (25) with underlying grounds COMAR 10.27.19.02 C (4), C (8), and C (12).

The Respondent's Maryland MT and CNA certificates were in a non-renewed status during the period relevant to the Charges, therefore, the Board finds that the Respondent violated Health Occ. § 8-6A-10(a)(20) and (26).

The Maryland Board concludes that the Respondent's violations of the Act fall within category C of the Maryland Board's sanctioning guidelines. *See* COMAR 10.27.26.07 C.

### **II. CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the Act as follows:

Health Occ. § 8-316 (a)

- (3) Is disciplined by a licensing, military, or disciplinary authority in this State or in any other state or country or convicted or disciplined by a court in this State or in any other state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; *to wit*, § 8-316 (a):
  - (8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing;
  
- (25) Engages in conduct that violates the professional code of ethics; *to wit*, Code of Maryland Regulations ("COMAR") 10.27.19.02 C. A nurse may not engage in behavior that dishonors the profession whether or not acting in the capacity or identity of a licensed nurse, including, but not limited to:
  - (4) Diverting any medication or providing false or misleading information to an authorized prescriber or a pharmacist to obtain or attempt to obtain any medication;
  - (8) Using, possessing, supplying, administering, or attempting to use, possess, supply, or administer prescription drugs or controlled dangerous substances without valid medical indication;
  - (12) Engaging in unprofessional or immoral conduct[.]

Health Occ. § 8-6A-10 (a)

- (20) Has violated any provision of this title or has aided or knowingly permitted any individual to violate any provision of this title; *to wit*, § 8-316(a):
  - (8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing;
  
- (25) Engages in conduct that violates the professional code of ethics; *to wit*, Code of Maryland Regulations ("COMAR") 10.27.19.02 C. A nurse may not engage in behavior that dishonors the profession whether or not acting in the capacity or identity of a licensed nurse, including, but not limited to:
  - (4) Diverting any medication or providing false or misleading information to an authorized prescriber or a pharmacist to obtain or attempt to obtain any medication;
  - (8) Using, possessing, supplying, administering, or attempting to use, possess, supply, or administer prescription drugs or controlled dangerous substances without valid medical indication;

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(12) Engaging in unprofessional or immoral conduct[.]

(26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary action under this section[.]

### III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED**, that beginning on the effective date of this Consent Order, the Registered Nurse, license number **R180676**; Medication Technician certificate, certificate number **MT0042466**; and Certified Nursing Assistant certificate, certificate number **A00080309**, of **REBECCA HUTCHISON**, to practice in the State of Maryland, shall be placed on **PROBATION FOR A MINIMUM OF THREE (3) YEARS**, subject to the following terms and conditions:

1. The status of the Respondent's RN license, MT certificate, and CNA certificate will be listed in the Board's records and on the Board's website as being on "**PROBATION**";
2. The Respondent may begin employment in her new position, but shall obtain Board approval before accepting any new position as an RN, MT, or CNA;
3. The Respondent shall not seek employment or be employed in the following work environments: neonatal ICU, hospice, home health care, critical care or intensive care unit, any staffing agency, assisted living, except as otherwise approved by the Board;
4. The Respondent shall only work where there is a registered nurse physically present and immediately available, except as otherwise approved by the Board;
5. The Respondent shall not work in a setting or role in which the Respondent has access, by any means, automated or key, to controlled dangerous substances ("CDS"),

including any mood-altering drugs, except as otherwise approved by the Board;

6. The Respondent shall not work in a setting or role in which the Respondent may dispense, access, control, or administer CDS, including mood-altering drugs;

7. The Respondent shall immediately notify all employers of the probationary status of her license and certificates and arrange for all employers to submit, in writing, confirmation that they have reviewed this Consent Order;

8. The Respondent shall arrange for the Respondent's supervisor at the Respondent's place of employment to submit written quarterly work-site reports to the Board evaluating the Respondent's work performance and nursing practice. If the Respondent's employment terminates at any of the Respondent's place(s) of employment before the due date of a quarterly report, then a final work-site report is due on the last day of employment. It is the Respondent's responsibility to ensure that work-site reports are submitted to the Board and to notify the Respondent's supervisor when these reports are due. An unsatisfactory report will be considered a violation of probation and this Consent Order;

9. The Respondent shall notify the Board in writing of any nursing position from which the Respondent is terminated by the employer and/or any nursing position from which the Respondent voluntarily resigns within **THREE (3) DAYS** of the date of termination or resignation. The Respondent shall include the reasons for the termination or resignation in the written notification.

10. The Respondent shall submit to the Board written monthly self-reports describing the Respondent's progress, even if the Respondent is not working in the nursing/nursing assistant/medication technician field. Failure to provide written monthly self-reports or failure to provide monthly self-reports on time shall constitute a violation of probation and

this Consent Order;

11. The Respondent shall submit to random drug and alcohol testing, at any time, of urine, breath, hair, nail or blood **at least once a month, but not more than thirty-six (36) times per year** as required by the Board and cause the results to be submitted to the Board in addition to the following additional drug-monitoring terms and conditions:

- a. The Respondent shall register with "FSSolutions" (First Hospital Laboratories, Inc., by contacting them by phone at 1-833-476-1173 Recovery Management Solutions) and enroll in the drug monitoring program via their website: [https://app.caseworthy.com/CaseWorthy\\_8\\_0/PortalDefault.aspx?DatabaseID=8900&#/PortalDefault](https://app.caseworthy.com/CaseWorthy_8_0/PortalDefault.aspx?DatabaseID=8900&#/PortalDefault) **within five (5) days from the effective date of this Consent Order**. After registering and enrolling in the program, the Respondent shall contact FSSolutions on a daily basis (Monday through Sunday) via their website and submit to all FSSolutions testing requirements and policies and procedures;
- b. The Board's Discipline and Compliance staff, FSSolutions, or the Respondent's employer may, at their discretion, require the Respondent to submit to a random drug and alcohol test at any time;
- c. Any positive or missed test directed or ordered by FSSolutions, the Board's Discipline and Compliance Staff, or the Respondent's employer(s) shall be reported to the Board and be considered a violation of this Consent Order;
- d. Any tampering with a test sample or other improper attempt to avoid a positive drug or alcohol test result is a violation of this Consent Order;
- e. The Respondent shall not consume poppy seeds, quinine water, hemp tea, cannabidiol (CBD), or other products containing substances that could trigger a false positive drug or alcohol test; and
- f. The Respondent shall remain drug and alcohol free.

12. The Respondent must notify the Board of Nursing's Compliance Unit and First Source Solutions of any and all vacation or travel plans two weeks prior to the date of departure;

13. The Respondent shall not take any CDS or mood-altering drugs unless approved by the Respondent's healthcare provider;

14. The Respondent shall show this Consent Order to any healthcare provider who prescribes for the Respondent, including, but not limited to, dentists, physicians, pain

management clinicians, emergency and urgent care providers, nurse practitioners, and physician assistants;

15. If the Respondent is prescribed any medication, the Respondent shall notify the Board immediately and send a copy of the prescription or the pharmacy report to the Board within **THREE (3) DAYS**;

16. If the Respondent is prescribed any CDS or mood-altering medication, the Respondent shall, in addition to immediately notifying the Board in writing, agree to have the Respondent's prescribing provider(s) provide to the Board a medication report or pharmacy report pertaining to the condition that necessitated the prescription(s) **within TEN (10) DAYS of each time** that the Respondent is prescribed any mood-altering substance or any Schedule II–V controlled substance. It is the Respondent's responsibility to ensure that these reports are submitted timely to the Board;

17. At any time during the probationary period, the Board may, in its discretion, order the Respondent to submit to an examination by a healthcare provider designated by the Board. If so ordered, the Board shall pay for the cost of the examination. The Respondent shall sign all necessary consent forms required to authorize disclosure of the healthcare provider's written report to the Board. Furthermore, the Respondent consents to the use and disclosure of the healthcare provider's report, as well as any other medical, mental health, or substance use disorder treatment records, in any subsequent Board proceeding, including, but not limited to, any final, public order issued by the Board; and it is further **ORDERED** that, pursuant to the Nurse Licensure Compact, the multistate status of the Respondent's RN license shall be **deactivated** during the pendency of this Consent Order. Accordingly, the Respondent's RN license shall be designated as single-state only, and the



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Respondent shall not have a multistate licensure privilege to practice as an RN in any party state to the Nurse Licensure Compact. The multistate status of the Respondent's RN license shall not be reactivated unless and until the probation imposed by this Consent Order is terminated; the Respondent's RN license is restored to full unencumbered and active status; and the Respondent is not otherwise disqualified from holding a multistate license at that time; and it is further

**ORDERED** that, if the Respondent moves permanently or temporarily, either within or outside the State of Maryland, the Respondent shall notify the Board of the new address and phone number within **THREE (3) DAYS** of the move; and it is further

**ORDERED** that, the Respondent shall disclose a copy of this Consent Order to the nursing board of another state where employed and submit to this Board written acknowledgement that they have reviewed this Consent Order; and it is further

**ORDERED** that, in the event that the Board issues to the Respondent any other type of license and/or certificate that the Board is authorized to grant, that license and/or certificate shall also be subject to the terms of this Consent Order; and it is further

**ORDERED** that, the Respondent shall obey all state and federal laws. If the Respondent is convicted of, or pleads guilty to, any crime(s), whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Respondent shall notify the Board, in writing, of any conviction(s) or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a conviction or guilty plea to the Board in writing within **TEN (10) DAYS** is a violation of probation and this Consent Order; and it is further

**ORDERED** that, the Respondent shall contact and schedule an appointment with the **Board of Nursing's Discipline/Compliance Unit, no later than TEN (10) DAYS** from the

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**effective date of this Consent Order**, for the purpose of beginning compliance with its terms and conditions; and it is further

**ORDERED** that, the Respondent shall submit to an in-person, face-to-face annual meeting with Board staff throughout the entire duration of the probationary period **if** requested to do so; and it is further

**ORDERED** that, the Respondent shall be responsible for paying all costs required to comply with all of the terms and conditions of the probation and this Consent Order; and it is further

**ORDERED** that, there shall be no early termination of probation. After **THREE (3) YEARS** from the effective date of this Consent Order have passed, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with all of the probationary terms of this Consent Order and safely employed as an RN for at least **NINE (9) MONTHS** immediately preceding the petition for termination of probationary status<sup>3</sup>; and it is further

**ORDERED** that failure to comply with any of the terms and conditions in this Consent Order shall constitute a violation of the Order; and it is further

**ORDERED** that, if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing, may impose, by further public Order of the Board, any sanction(s) authorized by Health Occ. § 8-316,

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<sup>3</sup> The Board will only consider a petition to terminate the probationary status of the Respondent's RN license if the Respondent has been compliant with the terms and conditions of this Consent Order and safely employed as an RN for at least nine (9) months immediately preceding the petition for termination of probationary status.

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§ 8-6A-10 and COMAR 10.27.26, including reprimand, additional probation, suspension, revocation, and/or a monetary penalty; and it is further

**ORDERED** that this Consent Order is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019 Repl. Vol.).

4/27/22  
Date

Gary N. Hicks, MS, RN, CEN, CNE  
The Board President's Signature  
Appears on the Original Document

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CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, as to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Md. Code Ann., State Gov't § 10-222.

I sign this Consent Order voluntarily and without reservation, after having an opportunity to consult with an attorney, and I fully understand and comprehend the language, meaning, terms, and effects of this Consent Order.



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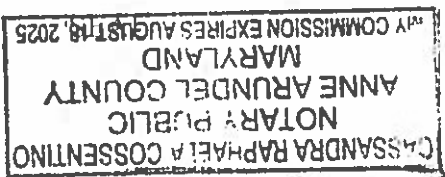
NOTARIZATION

STATE: Maryland

COUNTY: Anne Arundel

I HEREBY CERTIFY that on this 24 day of March, 2022, before me, Notary Public of the State and City/County aforesaid, REBECCA HUTCHISON, personally appeared and declared and affirmed under penalties of perjury that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



  
Notary Public

My Commission Expires: 08-18-2025