

IN THE MATTER OF

*

BEFORE THE MARYLAND

HANNAH VANWHY

*

BOARD OF NURSING

License No.: R199293

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CONSENT ORDER OF PROBATION

On February 24, 2021, after receiving a petition for reinstatement of license from **Hannah VanWhy**, Registered Nurse License Number **R199293** (“the Respondent”), the Maryland Board of Nursing (“the Board”) issued an Order of Reinstatement of Registered Nurse License/Order of Probation.

On October 3, 2022, the Board issued “Charges under the Maryland Nurse Practice Act,” which notified the Respondent that the Board was charging her based on violations of the Maryland Nurse Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 8-101 *et seq.*, specifically:

§ 8-316 (a) *In general.* – Subject to the hearing provisions of § 8-317 of this subtitle, the Board may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the . . . licensee:

- (30) Violates regulations adopted by the Board or an order from the Board; *to wit:* Order of Reinstatement of Registered Nurse License/Order of Probation dated February 24, 2021[.]

On December 6, 2022, the Respondent attended a case resolution conference (“CRC”) with members of the Board in an effort to resolve the pending charges in lieu of an evidentiary hearing. The Assistant Attorney General – Administrative Prosecutor, also attended the CRC on behalf of the State. At that CRC, the Respondent and the State agreed to, and the Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

The Board finds that:

1. On February 8, 2012, the Respondent was issued a license to practice as a registered nurse (“RN”) in the State of Maryland. The Respondent's license is currently “active-probation” and is scheduled to expire on July 28, 2023. The Compact¹ status of the Respondent’s Maryland RN license is “Single State.”

PROBATION ORDER

2. On or about August 28, 2019, the Board executed a Voluntary Surrender of License to Practice as a Registered Nurse, signed by the Respondent (“Surrender of License”). According to the Surrender of License, the Respondent admitted “While employed as a nurse at a facility, I diverted 25mg of Oxycodone.”

3. On or about February 24, 2021, after receiving a petition for reinstatement of license from the Respondent, the Board issued an Order of Reinstatement of Registered Nurse License/Order of Probation (the “Probation Order”). The Probation Order granted the Respondent’s petition for reinstatement of the Respondent’s RN license and placed the Respondent’s RN license on probation for a minimum of five years subject to terms and conditions.

4. The Probation Order imposed the following terms and conditions, among others:

....

4. The Respondent shall submit to the Board written monthly self reports, describing the Respondent’s progress, even if the Respondent is not

¹ The Nurse Licensure Compact (NLC) is an agreement between Boards of Nursing of party states that allows nurses to have one Multistate nursing license with the ability to practice nursing in both their home state and other party states. In accordance with the Nurse Licensure Compact, Md. Code Ann., Health Occ. § 8-7A-01.3(h) and § 8-7A-01.3(m) respectively, “Home state” means the party state that is the nurse’s primary state of residence and, “Party state” means any state that has adopted this Compact.

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working in the nursing field. Failure to provide written self reports on time shall constitute a violation of probation and this Order.

5. 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 Order;
6. 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/resignation. The Respondent shall include the reasons for the termination or resignation in the written notification;

.....

9. The Respondent shall submit to random drug and alcohol testing, at any time, of urine, breath, or blood at least once a month, but not more than 40 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. Registering with "First Source Solutions" (First Hospital Laboratories, Inc, Professional Health Monitoring) by contacting them by phone at 1-800-732-3784 or on their website at www.firstsourcesolutions.com **within five (5) days from the effective date of this order**. After registering, the Respondent is responsible for contacting First Source Solutions on a daily basis (Monday through Sunday) and by submitting to all First Source Solutions testing requirements and policies and procedures.
 - b. The Board's Discipline and Compliance Staff, First Source Solutions, 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 First Source Solutions, the Board/Board staff, or the Respondent's

employer(s) shall be reported to the Board and be considered a violation of the 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 the 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 shall attend a least 2 support group meetings per week and submit documentation, such as signed attendance slips, verifying the Respondent's attendance at 2 meeting per week.
- 13. The Respondent shall maintain a sponsor.

....

- 16. 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) BUSINESS DAYS**.
- 17. If the Respondent is prescribed any CDS or mood-altering medication, the Respondent shall, in addition to notifying the Board in writing, consent to have the Respondent's prescribing provider(s) provide to the Board a medication report or pharmacy report pertaining to the condition which necessitated the prescription **WITHIN TEN (10) BUSINESS 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.
- 18. The Respondent shall seek and/or maintain treatment with a Board-approved treatment provider/treatment program. Within **TWO (2) WEEKS** of the effective date of this Order, the Respondent is responsible for ensuring that her treatment program/treatment provider submits written verification that they have reviewed this Order to the Board.
- 19. The Respondent shall comply with all terms and conditions set by the treatment program/treatment provider.

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20. The Respondent shall arrange for the Respondent's treatment provider/treatment program to submit written quarterly reports to the Board evaluating the Respondent's compliance and progress toward rehabilitation. It is the Respondent's responsibility to notify all treatment providers when these reports are due.
21. The Respondent shall maintain treatment throughout the probationary period unless the Respondent is formally discharged from treatment before the end of the probationary period. A discharge summary is to be submitted to the Board within **TWO (2) WEEKS** of discharge from the program. In the event the Respondent stops treatment before discharge by the treatment program/treatment provider, has a missed or positive toxicology screen and/or breathalyzer, or has unsatisfactory progress, the Respondent shall immediately notify the Board.

(Probation Order, pp. 2-7).

5. The Probation Order further provides:

....

ORDERED that after **FIVE (5) YEARS** from the effective date of this 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 Order and safely employed as a registered nurse for at least **NINE (9) MONTHS** immediately preceding the petition for termination of probationary status; and it is further

....

ORDERED that if the Respondent violates any of the terms and conditions of this 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, including reprimand, additional probation, suspension, revocation, and/or monetary penalty[.]

(Probation Order, p. 8-9).

6. On March 23, 2021, the Respondent signed an acknowledgment that she had reviewed the cover letter and the Probation Order and fully understood the terms and conditions. The Respondent further acknowledged that "each document and form (i.e., work-site, self-report, etc.) ha[d] been fully explained to [her]."

7. The cover letter notified the Respondent that her monthly self-reports were due on the 1st of every month beginning April 1, 2021; and, that her quarterly work-site reports were due on the 1st of April, July, October, and January, beginning on April 1, 2021. The cover letter further informed the Respondent that “any report received one (1) day after the due date, is considered late.”

Monthly Self Reports

8. From the date the Probation Order was executed to July 2022, the Respondent has been required to submit sixteen (16) monthly self-reports to the Board. Out of the sixteen (16) required self-reports, the Respondent failed to submit three (3) self-reports.²

Employment and Quarterly Work-Site Reports

9. The Board received a Notification of Existing Board of Nursing Order form dated April 1, 2021, from an employer for the Respondent (the “Employer”).³

10. From the date the Probation Order was executed to July 2022, the Respondent has been required to submit six (6) quarterly work-site reports to the Board. Out of 6 required work-site reports, the Respondent failed to submit 2 reports and submitted one report 26 days late (July 2021). The Board received 3 timely work-site reports.

Treatment Program/Treatment Provider

11. The Board received letters dated September 4, 2020, and September 9, 2021, from Treatment Provider #1 stating the Respondent had been a patient since July 2019. The Board never received written verification from Treatment Provider #1 indicating that they had reviewed the

² The Respondent failed to submit the following three self-reports: May 2021, April 2022, and May 2022.

³ For purposes of ensuring confidentiality, proper names have been omitted and replaced with generic placeholders.

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Probation Order. The Board also never received a discharge summary from Treatment Provider #1, and it is unknown whether the Respondent is still a patient of Treatment Provider #1.

12. The Respondent received treatment services from Treatment Provider #2 from April 27, 2020 to August 16, 2021. The Board received a treatment program/provider verification from Treatment Provider #2 dated March 29, 2021, indicating that they had reviewed the Probation Order. The Board received a discharge summary dated August 16, 2021, indicating that the Respondent had been discharged on that date.

13. The Respondent received treatment services from Treatment Provider #3 from March 27, 2022 to April 5, 2022. The Board received an email from the Respondent dated March 27, 2022, stating that she would be receiving treatment. After that correspondence, the Board received a "Medication Reconciliation and Nursing Transfer/DC Form" from Treatment Provider #3 dated April 5, 2022, which stated that the Respondent was admitted March 27, 2022. The Board never received written verification from Treatment Provider #3 indicating that they had reviewed the Probation Order.

14. The Respondent received treatment services from Treatment Provider #4 from April 5, 2022 to April 10, 2022, and then again from April 21, 2022 to May 14, 2022. The Board received a treatment program/provider verification from Treatment Provider #4 dated May 10, 2022, indicating that they had reviewed the Probation Order. The Board received a letter dated May 16, 2022, from Treatment Provider #4 stating the Respondent was admitted April 5, 2022, and discharged April 10, 2022, due to a medical illness and then readmitted April 21, 2022, and discharged May 14, 2022, after successful completion of treatment.

15. The Board received a treatment program/provider verification from Treatment Provider #5 dated June 3, 2022, indicating that they had reviewed the Probation Order and further indicating

that the Respondent had been in treatment since May 2022. The Board also never received a discharge summary from Treatment Provider #5, and it is unknown whether the Respondent is still a patient of Treatment Provider #5.

16. From the date the Probation Order was executed to July 2022, the Respondent was required to arrange for her treatment provider/programs to submit six (6) quarterly reports to the Board. The Board, however, only received the following 3 quarterly reports:⁴ April 2021 (received from Treatment Provider #2), January 2022 (received 54 days late from Treatment Provider #1), and April 2022 (received 34 days late from Treatment Provider #4). The Board never received quarterly reports for the following 3 quarters: July 2021, October 2021, or July 2022.

Toxicology Screens

17. Between February 24, 2021 and September 28, 2022, the Respondent:⁵
- a. Failed to call in on 13 occasions.
 - b. Failed to submit to toxicology screens on one occasion.⁶

Support Group Meetings

18. Pursuant to the Probation Order the Respondent was required to attend at least two support group meetings per week and submit documentation of attendance to the Board.

⁴ Board staff reminded the Respondent via e-mail on December 2, 2021, that she needed to have her treatment provider complete the quarterly reports and send them to the Board. Board staff again reminded the Respondent via e-mail on February 18, 2022, that they were missing treatment reports for July 2021, October 2021 and January 2022 “which in turn, is a violation of your Probation and Order.”

⁵ Effective March 29, 2022, First Source Solutions was renamed Vault Health Workforce Screening.

⁶ The Respondent failed to submit to toxicology screens on the following date: April 8, 2022.

19. In 2021 the Respondent was required to submit verifications for forty-four (44) weeks. Out of the 44 weeks, the Respondent submitted the required verification for forty-two (42) weeks, and for the other two weeks the Respondent only submitted verification of attendance at one support group meeting per week.

20. From January 1, 2022 until July 30, 2022, there were thirty (30) weeks the Respondent was required to submit verification of attendance at least two support group meetings per week. Out of the 30 weeks, the Respondent submitted the verification that she attended at least two support group meetings a week for fourteen (14) weeks; the Respondent submitted verification that she attended only one support group meeting a week for one week; and the Respondent failed to submit verification of attendance at any support group meetings for fifteen (15) weeks.

II. DISCUSSION

Based on the foregoing, the Board finds that the Respondent violated the terms and conditions of the Probation Order. Most significantly, the Respondent failed to ensure that all required reports were submitted to the Board, and has failed to call in for toxicology screens on a daily basis and then submit to the screens on all of the dates she was selected.

Therefore, the Board finds that the Respondent violated Health Occ. § 8-316(a)(30). The Board concludes that the Respondent's violations of the Act fall within category (E)(1) of the Board's sanctioning guidelines. *See* COMAR 10.27.26.07(E)(1). The range of potential sanctions under category (E)(1) is probation for three years to revocation, and the range of potential monetary penalties is \$2,000 to \$5,000.

III. CONCLUSIONS OF LAW

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

§ 8-316 (a) *In general.* – Subject to the hearing provisions of § 8-317 of this subtitle, the Board may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the . . . licensee:

- (30) Violates regulations adopted by the Board or an order from the Board; *to wit:* Order of Reinstatement of Registered Nurse License/Order of Probation dated February 24, 2021[.]

IV. ORDER

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

ORDERED that the Respondent's license to practice as a registered nurse in the State of Maryland shall be placed on **PROBATION FOR A MINIMUM OF FIVE (5) YEARS**, beginning on the effective date of this Consent Order, subject to the following terms and conditions:

1. The Respondent's status as a registered nurse will be listed in the Board's computer records and website as being on "**Probation**";
2. The Respondent shall immediately notify all employers of the probationary status of the Respondent's license and arrange for all employers to submit, in writing, confirmation that they have reviewed this Consent Order;
3. The Respondent may seek employment as an RN, but shall obtain Board approval before accepting any new position as an RN;
4. 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 field. Failure to provide written self-reports on time shall constitute a violation of probation and this Consent Order;
5. 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 prior to 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;

6. 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) BUSINESS DAYS** of the date of termination/resignation. The Respondent shall include the reasons for the termination or resignation in the written notification;

7. The Respondent shall not seek employment or be employed in the following work environments: Emergency Room, Critical Care Unit, Intensive Care Unit, Operating Room, Delivery Room, Neonatal Intensive Care, Palliative Care, Psychiatric Unit, School Setting, Temporary Agency, Hospice, Staffing Agency, or Home Health Care.

8. The Respondent shall only work where there is a registered nurse physically present and immediately available;

9. 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 40 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 "Vault Health Workforce Screening" ("Vault Health") by phone at **1-833-476-1173** and enroll in the drug monitoring program via their website:

https://app.caseworthy.com/CaseWorthy_8_0/PortalDefault.aspx?DatabaseID=890&#/PortalDefault **within five (5) days from the effective date of this Consent Order.** After registering and enrolling in the program, the Respondent shall contact Vault Health on a daily basis (Monday through Sunday) via their website and submit to all Vault Health testing requirements and policies and procedures;

- b. The Board's Discipline and Compliance staff, Vault Health, 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 Vault Health, 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;
10. 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;
11. 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;

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12. The Respondent shall attend at least 2 support group meetings per week and submit documentation, such as signed attendance slips, verifying the Respondent's attendance at 2 meetings per week;
13. The Respondent shall maintain a sponsor;
14. The Respondent shall not take any CDS or mood-altering drugs unless approved by the Respondent's healthcare provider;
15. The Respondent shall show this 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;
16. 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) BUSINESS DAYS**;
17. If the Respondent is prescribed any CDS or mood-altering medication, the Respondent shall, in addition to immediately notifying the Board in writing, consent 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 **within TEN (10) BUSINESS 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;
18. The Respondent shall seek and/or maintain treatment with a Board-approved treatment provider/treatment program. Within **TWO (2) WEEKS** of the effective date of this Consent Order, the Respondent is responsible for ensuring that his/her treatment

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program/treatment provider submits written verification that they have reviewed this Consent Order to the Board;

19. The Respondent shall comply with all terms and conditions set by the treatment program/treatment provider;

20. The Respondent shall arrange for the Respondent's treatment provider/treatment program to submit written quarterly reports to the Board evaluating the Respondent's compliance and progress toward rehabilitation. It is the Respondent's responsibility to notify all treatment providers when these reports are due;

21. The Respondent shall maintain treatment throughout the probationary period unless the Respondent is formally discharged from treatment before the end of the probationary period. A discharge summary is to be submitted to the Board within **TWO (2) WEEKS** of discharge from the program. In the event the Respondent stops treatment before discharge by the treatment program/treatment provider, has a missed or positive toxicology screen and/or breathalyzer, or has unsatisfactory progress, the Respondent shall immediately notify the Board;

22. The Respondent shall sign all necessary consent forms required to authorize disclosure of the Respondent's substance use disorder treatment records to the Board.

Furthermore, the Respondent consents to the use and disclosure of his/her substance use disorder treatment records in any subsequent Board proceeding, including, but not limited to, any final, public order issued by the Board;

23. 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

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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;

24. The Respondent must notify the Board of Nursing's Compliance Unit and Vault Health of any and all vacation or travel plans two weeks prior to the date of departure;

ORDERED that the Respondent shall have contacted, and scheduled an appointment with, the Board of Nursing's Discipline/Compliance unit **no later than ten (10) business days from the effective date of this Consent Order**, for the purpose of beginning compliance with its terms and conditions. Failure to contact the Board as required by this paragraph shall constitute a violation of probation and of this Consent Order; and it is further

ORDERED that pursuant to the Nurse Licensure Compact, the multistate status of the Respondent's RN/LPN license, shall be **deactivated** during the pendency of this Consent Order. Accordingly, the Respondent's RN/LPN license shall be designated as **single-state only**, and the Respondent shall not have a multistate licensure privilege to practice as an RN/LPN in any party state to the Nurse Licensure Compact. The multistate status of the Respondent's RN/LPN license shall not be reactivated unless and until the probation imposed by this Consent Order is terminated; the Respondent's RN/LPN 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 the Respondent shall disclose a copy of this Consent Order to the Nursing Board or certifying body of another State where employed and submit to the Board written acknowledgement that they have reviewed 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) BUSINESS DAYS** of the conviction or guilty plea. Failure to report a conviction or guilty plea to the Board in writing within **TEN (10) BUSINESS DAYS** is a violation of probation and this Consent Order; and it is further

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

ORDERED that after **FIVE (5) 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

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Consent Order and safely employed as a registered nurse for at least **NINE (9) MONTHS** immediately preceding the petition for termination of probationary status; 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 this Consent 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, including reprimand, additional probation, suspension, revocation, and/or monetary penalty; and be it further

ORDERED that this Consent Order is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

1/25/2023
Date


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