

Virginia Board of Nursing

Noncompliance with Board Orders by Individual Licensees

The Board of Nursing may order licensees under terms of continued practice that may include probation with terms, paying a monetary penalty, completing courses, submitting to an evaluation (mental health, substance misuse, neurological, and/or physical) and/or entering into and complying with the *Health Practitioner's Monitoring Program* ("HPMP").

When such licensees do not comply with the terms stated in said Order, they are deemed "noncompliant" and may be scheduled for an administrative proceeding to consider further disciplinary action up to and including suspension or revocation of a license.

Alternatively, the Board authorizes professional discipline staff to offer a prehearing consent order for certain types of noncompliance in lieu of conducting an administrative proceeding. Guidance regarding typical Board action(s) for the types of non-compliance are as follows:

Type(s) of Non-Compliance	Typical Board Action(s)
1. Failure to pay monetary penalty within specified time in Order (or granted extension)	Reprimand and indefinite suspension
2. Failure to submit verification of completing course(s), watching video, or other remedial term(s) within specified time in Order (or granted extension)	Reprimand and indefinite suspension
3. Failure to obtain and submit evidence of an evaluation (mental health, substance misuse, neurological, and/or physical) within time specified in Order (or granted extension)	Reprimand and indefinite suspension
4. Failure to comply with treatment recommendations within 60 days following an evaluation (mental health, substance misuse, neurological, and/or physical)	Reprimand and indefinite suspension
5. Failure to enter the Virginia HPMP within time specified in Order (or granted extension)	Reprimand and indefinite suspension, which may be stayed upon HPMP entry. Note: The Board may also consider other justifiable facts for an alternative action (<i>i.e.</i> , Reprimand and place on probation with similar monitoring terms)
6. Noncompliance constituting dismissal from HPMP when a Board order required entry into and remaining in compliance with HPMP	Reprimand and indefinite suspension

<u>7.</u> Noncompliant, but evidence shows licensee is back in compliance with terms of Order by the time of the proceeding	Reprimand and extend length of monitoring equivalent to the period the licensee was noncompliant. Second instance results in indefinite suspension.
<u>8.</u> Noncompliant on probation with late reports on more than three (3) occasions	Reprimand and extend length of monitoring for 6 months. Second instance results in indefinite suspension.
<u>9.</u> One positive urine drug screen test, without appropriate prescription documentation	Reprimand and extend length of monitoring for 6 months and increase frequency of urine drug screening. Second instance results in indefinite suspension.
<u>10.</u> Two or more positive urine drug screen tests, without appropriate prescription documentation	Reprimand and indefinite suspension
<u>11.</u> Failure to contact Compliance staff within 60 days of entry of the Order and no evidence of compliance with any term of the Order	Reprimand and indefinite suspension
<u>12.</u> No evidence of compliance with any term of the Order for any six-month period of monitoring (any two quarters of reports).	Reprimand and indefinite suspension
<u>13.</u> Failure to comply within five (5) years with all terms of a probation Order (This does not apply to HPMP orders.)	Reprimand and indefinite suspension

Originally adopted: July 20, 2010