

IN THE MATTER OF
JENNIFER GAY POSEY
LICENSE NO. R144531

*
*
*
*
*
*

BEFORE THE
MARYLAND BOARD
OF NURSING

* * * * *

**ORDER LIFTING AND TERMINATING SUMMARY SUSPENSION
OF REGISTERED NURSE LICENSE/ORDER DISMISSING CHARGES**

On or about October 7, 2002, the Maryland Board of Nursing (the "Board") issued, via regular and certified mail, an "Order for Summary Suspension of Nursing License" ("Summary Suspension Order") to Jennifer Gay Posey (the "Respondent"), a registered nurse ("RN") in the State of Maryland, license number R144531.¹ The Summary Suspension Order notified the Respondent that the Board had summarily suspended her RN license pursuant to the Administrative Procedure Act, Md. Code Click or tap here to enter text. Ann., State Gov't § 10-226(c)(2) (1999), and that the Board was charging her with violations of the Maryland Nurse Practice Act, Md. Code. Ann, Health Occ. §§ 8-101 *et seq.* (2000), specifically § 8-316(a)(8) and (21).

The Summary Suspension Order also notified the Respondent that a show cause hearing regarding the summary suspension was scheduled for October 22, 2002, to give the Respondent an opportunity to show cause as to why her license should not continue to be summarily suspended. The Summary Suspension Order further informed the Respondent that, if her license remained suspended following the show cause hearing, she would have an opportunity to request an evidentiary hearing on the merits of the suspension by submitting a written request within thirty days of the show cause hearing.

In November 2022, Board staff conducted an audit of old files. Upon review of the

¹ The October 7, 2002 Order for Summary Suspension is attached to this Order as Exhibit A.

POSEY, Jennifer Gay (R144531)
Order Lifting and Terminating Summary Suspension of Registered Nurse License

Respondent's file, the following was determined: (1) there was no record that the Respondent requested an evidentiary hearing on the Summary Suspension; and (2) the Respondent's RN license remained summarily suspended.

Upon consideration of the length of time that has passed since the issuance of the Summary Suspension Order (approximately 20 years), the Board concludes that the public health, safety, and welfare no longer imperatively requires the summary suspension of the Respondent's Maryland RN License. Accordingly, on its own initiative, the Board hereby issues this Order lifting and terminating the summary suspension of the Respondent's RN license and dismissing the charges.²

ORDER

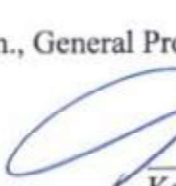
Based upon the foregoing, it is hereby:

ORDERED that the summary suspension of the Respondent's license to practice as a registered nurse in the State of Maryland (license number **R144531**), as ordered by the Board's October 7, 2002 Order for Summary Suspension and Charges, is hereby **LIFTED AND TERMINATED**; and it is further

ORDERED that the charges issued by the Board's October 7, 2002 Order for Summary Suspension and Charges are hereby **DISMISSED**; and it is further

ORDERED that this Order of the Maryland Board of Nursing is a **PUBLIC RECORD** pursuant to Md. Code Ann., General Provisions Article §§ 4-101 *et seq.* (2019).

February 9, 2023
Date


K
E
Maryland Board of Nursing
C, CLC

Karen E.B. Evans, MSN, RN-BC
The Executive Director's Signature
Appears on the Original Document

² The Respondent's Maryland RN license otherwise expired on December 28, 2002.

IN THE MATTER OF

Jennifer G. Posey

License Number: R144531

*
*
*
*
*
*

BEFORE THE

MARYLAND BOARD

OF NURSING

* * * * *

**ORDER FOR SUMMARY SUSPENSION
OF NURSING LICENSE**

BACKGROUND

In July 2001, the Maryland Board of Nursing ("the Board") received a complaint from [REDACTED] concerning the nursing practice of Jennifer Posey ("Respondent"), License Number R144531. The complaint stated that Respondent was involved with discrepancies concerning controlled dangerous substances ("CDS"). The discrepancies related to Respondent's 224 withdrawals of CDS from the facility's Pyxis.¹ The CDS were withdrawn under Respondent's security code and primarily involved Demerol and Dilaudid.²

In September 2001, after receiving the [REDACTED] complaint, Respondent was invited to meet with the Board's Rehabilitation Committee ("the Committee"). Respondent met with the Committee and agreed to a subsequent meeting scheduled for November 2001. She also submitted a July 2000 pre-employment urine drug screen, from another facility, that was positive for opiates.

In November 2001, the Board was contacted by the Director of Nursing at [REDACTED] regarding Respondent and incidents at the facility

¹ A Pyxis is an automated drug dispensing device that records CDS information such as dose, time of withdrawal, patient name and identification of nurse accessing the medication.

² Demerol and Dilaudid are opiates and Schedule II CDS.

involving missing and adulterated CDS. Respondent was also uncooperative in submitting to a drug screen by failing to provide a urine specimen when requested and providing a subsequent specimen that had an abnormal temperature.

On March 14, 2002, Respondent entered into a Participation Agreement ("Agreement") with the Committee.³

Based upon information received by the Board from [REDACTED], Respondent's failure to comply with conditions in her Agreement and subsequent action by the Committee the Board has reason, as set forth below, to find that the public health, safety or welfare imperatively requires emergency action under Md. Code Ann., State Gov't. ("SG") § 10-226 (c)(2) (1999 Repl. Vol.).

**ALLEGATIONS OF FACT AND REASONS IN SUPPORT OF
SUMMARY SUSPENSION**

The Board has received reliable information that the following facts are true:

1. At all times relevant to the statements herein, Respondent was and is licensed to practice registered nursing in the State of Maryland.
2. On June 11, 2002, the Board received a complaint from [REDACTED] regarding Respondent's nursing practice and diversion of medication. Respondent was employed at [REDACTED] for approximately one month.
3. During one of her shifts, Respondent appeared impaired because she was acting incoherently and she was sent home.

³ A Participation Agreement is a written agreement between the Committee and a licensee. It permits the licensee to continue nursing employment subject to certain conditions.

4. After Respondent began her employment at [REDACTED], approximately twenty-seven Tylenol with Codeine No. 3⁴ were found missing on the unit where she worked.
5. On or about June 9, 2002, during Respondent's shift, five Ultram⁵ were unaccounted for. It was determined that Respondent was the only nurse who had access to the Ultram. [REDACTED] staff contacted the Director of Nursing ("DON") who informed Respondent that the police had been contacted. Although Respondent was asked to wait in the DON's office until the police arrived, she proceeded to leave the facility. Respondent was subsequently terminated from her employment.
6. Further investigation revealed that Respondent failed to inform [REDACTED] administrators of her Agreement.
7. Condition Number 1 of Respondent's Agreement states "I understand that it is my responsibility to notify any nursing employer of my relationship with the Committee."
8. Respondent also failed to inform the Committee of her employment at [REDACTED].
9. Condition Number 3 of Respondent's Agreement states "In the event that I change positions or seek new employment, I shall obtain approval from the Committee prior to accepting the position."

⁴ Tylenol with Codeine No. 3 is an opiate and Schedule II CDS.

⁵ Ultram is a prescription analgesic for moderate to severe pain.

10. On August 7, 2002, Respondent met with the Committee and brought a urine screen report, that was negative for drugs, which she obtained on her own approximately two weeks after the incident at [REDACTED].
11. On August 7, 2002, the Committee expelled Respondent from the Board's Rehabilitation Program because it was determined she was no longer safe to practice nursing. The expulsion was based on the three complaints concerning Respondent's nursing practice within a one-year period (all involving missing CDS/medications), her failure to obtain random urine screens and non-compliance with conditions 1, 3, 5, 6, and 7 in her Agreement.
12. Respondent's CDS diversion at [REDACTED], involvement in CDS/medication discrepancies at [REDACTED] and [REDACTED], and failure to submit to random urine drug screens indicates Respondent has a CDS addiction and is unsafe to practice nursing. Respondent's CDS diversion at [REDACTED], appearance of impairment while on duty at [REDACTED], and disregard of conditions in her Agreement, demonstrates a lack of professional responsibility for her nursing practice. Due to Respondent's expulsion from the Board's rehabilitation program, her nursing practice is no longer being monitored. Without monitoring, Respondent's nursing practice is a danger to patients and staff due to potential CDS access. Based on her conduct and information obtained by the Board, as described above, Respondent's nursing practice is a danger to the public health, safety and welfare.

13. Based on the information provided in paragraphs 1 through 12, the Board finds that the public health, safety or welfare imperatively requires emergency action in this case.

14. Based on the information provided in paragraphs 1 through 12, the Board has probable cause to charge Respondent with violations of the Nurse Practice Act (the "Act"). Md. Code Ann., Health Occupations Article ("HO"), §§ 8-101 *et. seq.* (2000) as listed below. The pertinent provisions of HO § 8-316 (a), and those under which the above allegations in paragraphs 1 through 12 are brought, are as follows:

(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:

(8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing; and

(21) Is expelled from the rehabilitation program established pursuant to § 8-208 of this title for failure to comply with conditions of the program.

The applicable section of SG § 10-226 (c)(2) provides that:

(2) A unit may order summarily the suspension of a license if the unit:

(i) finds that the public health, safety, or welfare imperatively requires emergency action; and

(ii) promptly gives the licensee:

1. Written notice of the suspension, the finding and the reasons that support the finding; and
2. An opportunity to be heard.

CONCLUSIONS OF LAW

Based on the foregoing investigative information, the Board finds that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't. §10-226 (c)(2) (1999 Repl. Vol.).

ORDER

It is, by a majority of a quorum of the Maryland Board of Nursing:

ORDERED, that pursuant to the authority vested in the Board by Md. Code Ann., Health Occ., § 8-316 (a) and Md. Code Ann., State Gov't., §10-226 (c)(2), the license of Jennifer G. Posey, an individual licensed to practice **REGISTERED NURSING**, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that there will be a Show Cause Hearing on Tuesday, October 22, 2002 at 12:45 P.M. before the Board at the Board of Nursing, 4140 Patterson Avenue, Baltimore, Maryland 21215, for Respondent to have the opportunity to show cause as to why her license should not be suspended; and be it further

ORDERED that if Respondent's license remains suspended following a Show Cause Hearing, upon a written request by Respondent, a hearing to consider this Summary Suspension will be held at the Board of Nursing, within a reasonable period of time from the date upon which the Board receives the written request; and be it further

ORDERED that if Respondent requests a hearing before the Board, Respondent must make the request in writing within thirty (30) days from the date of the Show Cause Hearing. If a request for hearing is not received within thirty (30) days from the date of the Show Cause Hearing, Respondent waives all rights now and in the future to any hearing with respect to this Order or the associated charges, or to any proceedings that would contest the validity of the factual allegations of this Order for Summary Suspension and to any appeals; and be it further

ORDERED that this Order is a public document pursuant to Md. Code Ann., State Gov't. § 10-601, *et. seq.*, (1999 Repl. Vol.).

October 7 2002
Date

Donna M. Dorsey, RN, MS
The Executive Director's Signature
Appears on the Original Document

Maryland Board of Nursing