

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: HEATHER KISER DUTY, R.N.**  
**License Number: 0001-153386**  
**Case Number: 174454**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), an Agency Subordinate of the Virginia Board of Nursing (“Board”) held an informal conference on August 3, 2017 in Henrico County, Virginia, to inquire into allegations that Heather Kiser Duty, R.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia.

Ms. Duty did not appear at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated July 13, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Duty notifying her that an informal conference would be held on August 3, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The certified mail receipt was signed and returned to the Board office. The Notice sent by first class mail was not returned to the Board office. Ms. Duty submitted a letter to the Board dated July 21, 2017, indicating that she hoped to attend the informal conference if she was able to get coverage at work. She did not request a continuance. The Agency Subordinate concluded that adequate notice was provided to Ms. Duty and the informal conference proceeded in her absence.

## BOARD'S CONSIDERATION OF AGENCY SUBORDINATE'S RECOMMENDATION

The Board met regarding this matter on September 20, 2017. Ms. Duty was not present nor was she represented by legal counsel. In consideration whereof, the Board makes the following Findings of Fact and Conclusions of Law and issues the ORDER contained herein.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Heather Kiser Duty, R.N., was issued License Number 0001-153386 to practice professional nursing on June 4, 1997, which is scheduled to expire on October 31, 2018. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia. Ms. Duty also holds License Number 0024-000084 to practice as a nurse practitioner in the area of family practice and Prescriptive Authority Number 0017-136873.
2. During the course of her employment as owner of Tazewell Family Healthcare (a/k/a Tazewell Family Health), Tazewell, Virginia:
  - a. Ms. Duty violated Virginia Code § 54.1-3007(5) and 18 VAC 90-20-300(A)(2)(d) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(d), effective February 24, 2017) in that between 2014 and February 15, 2016, on multiple occasions, she allowed unqualified and unlicensed employees to provide unsupervised care to and prescribe medications to multiple patients of the Tazewell Family Healthcare weight loss clinic, in violation of 18 VAC 90-20-300(A)(2)(a) and 18 VAC 90-20-460(B) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(a) and 18 VAC 90-19-280(B), effective February 24, 2017). The unlicensed/unauthorized staff members gave injections to and called in prescriptions for these patients without any written orders from Ms. Duty.
  - b. Ms. Duty violated Virginia Code § 54.1-3007(5) in that she failed to maintain complete and accurate medical records on all patients treated at Tazewell Family Healthcare.

Specifically, multiple patient files were missing complete visit notes, diagnoses, or notes on medications she prescribed according to the patients' Prescription Monitoring Program reports. Some patients did not have medical charts or weight loss clinic charts at all.

c. Ms. Duty violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(f), effective February 24, 2017), in that between 2014 and 2016, she provided sample medications to Patient A for diabetes, including Bydureon (exenatide), with no documentation in the patient's chart that he ever received or was taking the medications.

3. During the time that she was owner of Tazewell Family Healthcare, Ms. Duty was also employed at Johnson Memorial Hospital. Tazewell Family Healthcare staff members told the Department of Health Professions' investigator that she kept irregular hours and did not appear at the office at all on many days when patients were in the office for treatment.

4. Ms. Duty sold Tazewell Family Healthcare to another nurse practitioner in February 2016. She is currently employed full time at Johnson Memorial Hospital.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board Orders as follows:

1. Heather Kiser Duty, R.N., is REPRIMANDED.
2. Heather Kiser Duty, R.N., is assessed a MONETARY PENALTY of \$1,000.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 120 days from the date of entry of this Order. This monetary penalty shall be separate and apart from any sanction imposed by the Virginia Committee of the Joint Boards of Nursing and Medicine. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline.

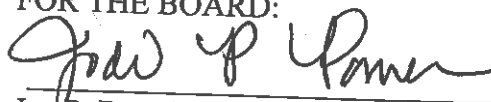
3. Ms. Duty shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Duty failed to appear at the informal conference, this Order shall be considered final. Ms. Duty has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Duty has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD:

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

ENTERED AND MAILED ON:

October 27, 2017

Certified True Copy

By   
Virginia Board Of Nursing