

**BEFORE THE VIRGINIA COMMITTEE OF THE JOINT BOARDS
OF NURSING AND MEDICINE**

**IN RE: Heather Kiser Duty, L.N.P.
License Number: 0024-000084
Case Number: 174455**

ORDER

JURISDICTION AND PROCEDURAL HISTORY

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

**COMMITTEE OF THE JOINT BOARDS' CONSIDERATION OF
AGENCY SUBORDINATE'S RECOMMENDATION**

The Committee of the Joint Boards met regarding this matter on October 11, 2017. Ms. Duty was not present nor was she represented by legal counsel. In consideration whereof, the Committee of the Joint Boards 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, L.N.P., was issued License Number 0024-000084 to practice as a nurse practitioner in the area of family practice and Authorization to Prescribe 0017-136873 on September 27, 1999 and September 28, 1999, respectively. Said license and authorization are scheduled to expire on October 31, 2018. At all times relevant to the findings herein, said license and authorization were in full force and effect. Ms. Duty also holds a license to practice professional nursing in Virginia.
2. During the course of her employment as owner of Tazewell Family Healthcare (a/k/a Tazewell Family Health), Tazewell, Virginia:
 - a. Heather Kiser Duty, L.N.P., violated Virginia Code § 54.1-3007(5), 18 VAC 90-30-220(3) and (4) of the Regulations Governing the Licensure of Nurse Practitioners, and 18 VAC 90-40-130(A)(1) of the Regulations for Prescriptive Authority in that between October 6, 2010 and February 15, 2016, she failed to maintain and practice under a practice agreement with a collaborating team physician. Ms. Duty informed an investigator for the Department of Health Professions ("DHP") that she had such an agreement with Dr. Kerry Moore, but presented no evidence to that effect. Ms. Duty did provide a practice agreement with her current collaborating physician at Johnson Memorial Hospital.
 - b. Ms. Duty violated Virginia Code § 54.1-3007(5), 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), and 18 VAC 90-30-220(4) and (6) of the Regulations Governing the Licensure of Nurse Practitioners 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.

c. Ms. Duty violated Virginia Code § 54.1-3007(5) and 18 VAC 90-30-220(4) of the Regulations Governing the Licensure of Nurse Practitioners 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.

d. Ms. Duty violated Virginia Code §§ 54.1-3007(2), (5), and (8), 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), and 18 VAC 90-30-220(4) of the Regulations Governing the Licensure of Nurse Practitioners, as evidenced by the following:

i. 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.

ii. On June 25, 2015, she completed a CDL driver fitness determination form for Patient B. There were no notes or records that Patient B had an office visit on that date.

Further, Patient B falsely indicated that he did not use any narcotic or habit forming drugs on the CDL driver fitness determination form. Ms. Duty had prescribed Patient B oxycodone (C-II) in April 2015 and again on June 25, 2015.

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 DHP 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

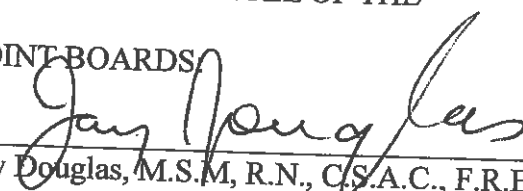
Based on the foregoing Findings of Fact and Conclusions of Law, the Committee of the Joint Boards Orders as follows:

1. The license issued to Heather Kiser Duty, L.N.P., to practice as a nurse practitioner in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Ms. Duty will be recorded as SUSPENDED.
3. Should Ms. Duty, seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Duty to demonstrate that she is safe and competent to return to nurse practitioner practice. Ms. Duty shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

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 COMMITTEE OF THE
JOINT BOARDS


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

ENTERED AND MAILED ON:

October 27TH, 2017

Certified True Copy

By 
Virginia Board Of Nursing