

VIRGINIA:

BEFORE THE COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

IN RE: NICOLE COFER, R.N., L.N.P.
License No's. 0001-218055; 0017-139420; 0024-168302

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") on October 9, 2013, in Henrico County, Virginia, to inquire into evidence that Nicole Cofer, R.N., may have violated certain laws and regulations governing nurse practitioner practice in Virginia. The case was presented by James E. Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Assistant Attorney General Charis Mitchell was present as legal counsel for the Board. Ms. Cofer was present and was represented by Jonathon Franklin, Esquire and David Littel, Esquire, legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Committee of the Joint Boards adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Nicole Cofer, R.N., L.N.P., was issued License No. 0001-218055 to practice professional nursing by the Virginia Board of Nursing on April 16, 2009. She was issued License No. 0024-168302 to practice as a nurse practitioner in the category of adult nurse practitioner and Prescriptive Authority License No. 0017-139420 by the Committee of the Joint Boards of Nursing and Medicine on April 28, 2009. All licenses are scheduled to expire on May 31, 2014. Ms. Cofer also holds also a license to practice professional nursing in Ohio, which is expired.

2. During the course of her employment with Sentara Princess Anne Neurology Associates,

Virginia Beach, Virginia ("Sentara"), on July 23, 2012, Ms. Cofer exhibited signs of impairment while on duty, such as slurred and incoherent speech, bloodshot eyes, and using foul language.

3. The medical assistant at Sentara who regularly worked with Ms. Cofer testified that on the morning of July 23, 2012, she received text messages from Ms. Cofer that consisted of jumbled letters. The medical assistant and the Director of Operations at Sentara both testified at the hearing that they followed Ms. Cofer out to the parking lot in order to keep her from driving her car in her apparently impaired state. The medical assistant also testified that she had never seen Ms. Cofer come to work under the influence of any alcohol or drugs, and that the patients and staff generally liked Ms. Cofer.

4. The Director of Operations testified that Ms. Cofer's actions on July 23, 2012, were out of character for Ms. Cofer. She also testified that she had never had any problems with Ms. Cofer prior to this incident.

5. Ms. Cofer testified that at the time of the incident on July 23, 2012, she was going through a divorce and many severe personal stressors. She stated that on July 22, 2012 she had problems sleeping and took Klonopin (clonazepam, Schedule IV) to help her to sleep. Ms. Cofer had told the DHP investigator that she had taken three Klonopin on July 22, 2012, which was not as it had been prescribed. At the hearing, Ms. Cofer testified that she had taken three halves of the pills.

6. Ms. Cofer testified at the hearing that taking multiple Klonopin pills within eight hours made her groggy. She testified that she did not physically strike the medical assistant, but that when the medical assistant would not allow her to get into her car, Ms. Cofer pushed her aside.

7. Ms. Cofer testified that her medications have changed significantly since July 2012 and that she now currently takes Zoloft and Adderall.

8. Ms. Cofer testified that she believes that she was impaired on July 23, 2012, after the encounter with her coworkers, due to her stress level and emotional state, but not due to alcohol or medication that had not been prescribed to her. She also testified that the incident on July 23, 2012, was a

one time occurrence. Ms. Cofer is currently employed by Ocean Psychiatric Group, a position she has held since August 2013, but she has not yet started seeing patients.

9. Ms. Cofer testified that she has a much better support system than she had in 2012. She has since remarried and has a close family support system. She also relies on the support of several friends that she did not have in 2012. Ms. Cofer has been seeing her therapist weekly for the last month.

10. Ms. Cofer attempted suicide in August 2011, and has a long history of depression.

CONCLUSIONS OF LAW

The Committee of the Joint Boards concludes that Finding of Fact No. 2 constitutes a violation of § 54.1-3007(5) and (6) of the Code and 18 VAC 90-30-220(4) and (5) of the Regulations Governing the Licensure of Nurse Practitioners.

ORDER

WHEREFORE, the Committee of the Joint Boards of Nursing and Medicine, effective upon entry of this Order, hereby ORDERS as follows:

1. Nicole Cofer, R.N., is hereby REPRIMANDED.
2. The Committee of the Joint Boards shall TAKE NO FURTHER ACTION contingent upon proof that Ms. Cofer has entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") within 30 days of entry of this Order and upon the condition that she remains compliant with the terms of a Participation Monitoring Contract and any subsequent contracts with the HPMP for the period specified by the HPMP.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Nicole Cofer, R.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Cofer shall be noticed to appear before the Committee of the Joint Boards at such time as the Committee of the Joint Boards is notified that:
 - a. Ms. Cofer has not entered into a Participation Monitoring Contract with the HPMP

30 days of entry of this Order or is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

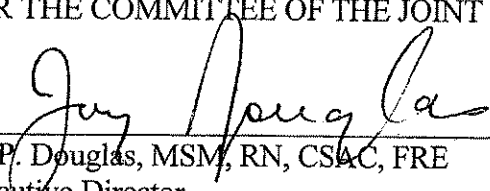
b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Cofer has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Cofer's participation in and compliance with the HPMP, the Committee of the Joint Boards, at its discretion, may waive Ms. Cofer's appearance before the Committee of the Joint Boards and conduct an administrative review of this matter.

4. Ms. Cofer shall maintain a course of conduct in her capacity as a nurse practitioner commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Committee of the Joint Boards' Regulations.


Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE COMMITTEE OF THE JOINT BOARDS



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

October 23rd, 2013
ENTERED

Certified True Copy
By 

Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.