

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **ROB ALLEN KUSCHEL, R.N.**
License Number: 0001-192106
Case Number: 173233

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Rob Allen Kuschel, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Mr. Kuschel's license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Rob Allen Kuschel, R.N., was issued License Number 0001-192106 to practice professional nursing on August 10, 2004, which expired on May 31, 2016. His primary state of residence is Virginia.
2. Mr. Kuschel violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c), effective February 24, 2017) in that during the course of his employment at Novant Health Prince William Medical Center, Manassas, Virginia, on October 22, 2014, Mr. Kuschel diverted a 100cc fentanyl IV drip from a patient. The hospital asked Mr. Kuschel to submit to a for-cause drug screen. The drug screen was positive for fentanyl.
3. The hospital terminated Mr. Kuschel's employment.
4. On November 19, 2014, Mr. Kuschel entered into a participation contract with the Health Practitioners' Monitoring Program ("HPMP").

5. On March 3, 2016, the Board granted Mr. Kuschel a stay of disciplinary action on the condition that he comply with the terms of his participation contract with HPMP.

6. On April 13, 2016, Mr. Kuschel resigned from HPMP without completing the program successfully, in violation of his participation contract.

CONSENT

Rob Allen Kuschel, R.N., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my licensure to practice professional nursing in the Commonwealth of Virginia.


ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The Board accepts the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Rob Allen Kuschel's right to renew his license to practice professional nursing in the Commonwealth of Virginia.
2. The license of Rob Allen Kuschel, R.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Rob Allen Kuschel, R.N., seek reinstatement of his license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Mr. Kuschel to demonstrate that he is safe and competent to return to the practice of professional nursing. Mr. Kuschel 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 §§ 2.2-4023 and 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.

FOR THE BOARD



Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President
Virginia Board of Nursing

ENTERED: 7/18/17

SEEN AND AGREED TO:



Rob Allen Kuschel, R.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Isle of Wight, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
21 day of June, 2017.



HEATHER LYNN WEISS
NOTARY PUBLIC ID: 7719757
Commonwealth of Virginia
My Commission expires
April 30, 2021

Heather Lynn Weiss
Notary Public

My commission expires:

April 30, 2021

Registration No.:

7719757

Certified True Copy

By [Signature]
Virginia Board of Nursing