

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           KIMBERLY LAMBERT, C.N.A.**  
**CertificateNumber: 1401-102928**  
**Case Number:       179018**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on September 20, 2017, in Henrico County, Virginia, to inquire into evidence that Kimberly Lambert, C.N.A., may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Kimberly Lambert, C.N.A., did not appear at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated June 16, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Lambert notifying her that a formal administrative hearing would be held on September 20, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The Notice sent by certified mail was returned to the Board office marked “unclaimed.” The Notice sent by first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Lambert and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

## FINDINGS OF FACT

1. Kimberly Lambert, C.N.A., was issued Certificate Number 1401-102928 to practice as a nurse aide on April 12, 2004, which expired on April 30, 2017, and was not renewed.
2. By Order of the Board entered on June 16, 2017, Ms. Lambert's right to renew her certificate was summarily suspended.
3. During the course of her employment at Shenandoah Nursing Home and Assisted Living Community, Fishersville, Virginia:
  - a. On February 2 and 8, 2017, Ms. Lambert removed fentanyl patches (C-II) from a terminally ill resident's body while providing him care and placed the patches on her own body, which she later admitted to a law enforcement investigator.
  - b. On February 2, 2017, Ms. Lambert stole a co-worker's prescribed tramadol (C-IV), which she later admitted to a law enforcement investigator.
4. Ms. Lambert's employment was terminated on February 21, 2017.
5. A Prescription Monitoring Report ("PMP") for the period January 1, 2016 to May 22, 2017, revealed that Ms. Lambert obtained 30 prescriptions for oxycodone, hydromorphone, hydrocodone and tramadol from 22 different prescribers.
6. On February 17, 2017, Ms. Lambert reported to the law enforcement investigator that she suffered from kidney stones and was in constant pain. She also reported injecting Dilaudid (hydromorphone), although the three hydromorphone prescriptions shown on the PMP were for tablets.
7. Ms. Lambert has criminal charges pending in the General District Court of Augusta County, Virginia, for possession of a controlled substance, petit larceny and abuse of an incapacitated adult.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-25-100(2)(c) and (e) of the Regulations Governing Certified Nurse Aides (“Regulations”).
2. Finding of Fact No. 3(b) constitutes a violation of Virginia Code § 54.1-3007(2), (5) and (6) and 18 VAC 90-25-100(2)(c) of the Regulations.
3. Findings of Fact Nos. 5 and 6 constitute a violation of Virginia Code § 54.1-3007(6).
4. Finding of Fact No. 3(a) constitutes a finding of Abuse and Misappropriation of Patient Property pursuant to 42 CFR § 483.12(a)(3)(ii) and (c)(1)(iv)(D) of the Code of Federal Regulations.

### ORDER

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

1. The right of Kimberly Lambert, C.N.A., to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Ms. Lambert will be recorded as REVOKED.
3. A Finding of Abuse and Misappropriation of Patient Property shall be ENTERED against Kimberly Lambert, C.N.A., in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.12(a)(3)(ii) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Lambert’s employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.12(a)(3)(ii).

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

*Jay Douglas*  
for \_\_\_\_\_  
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 3, 2017

**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 Douglas, M.S.M, R.N., C.S.A.C., F.R.E., 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.

Certified True Copy

By *draham*  
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Virginia Board Of Nursing