

BEFORE THE VIRGINIA BOARD OF NURSING

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

ORDER OF SUMMARY SUSPENSION

Pursuant to Virginia Code § 54.1-2408.1(A), a quorum of the Board of Nursing ("Board") met by telephone conference call on June 15, 2017, after a good faith effort to convene a regular meeting of the Board had failed. The purpose of the meeting was to receive and act upon information indicating that Kimberly Lambert, C.N.A., may have violated certain laws relating to the practice of nurse aides in the Commonwealth of Virginia, as more fully set forth in the attached "Notice of Formal Administrative Hearing and Statement of Allegations," which is attached hereto and incorporated by reference herein.

WHEREUPON, pursuant to its authority under Virginia Code § 54.1-2408.1(A), the Board concludes that a substantial danger to public health or safety warrants this action and ORDERS that the right of Kimberly Lambert, C.N.A., to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia is SUSPENDED. It is further ORDERED that a hearing be convened within a reasonable time of the date of entry of this Order to receive and act upon evidence in this matter.

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 or copying on request.

FOR THE BOARD



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

ENTERED AND MAILED ON:

June 16TH, 2017

Certified True Copy

By 
Virginia Board Of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KIMBERLY LAMBERT, C.N.A.
Certificate Number: 1401-102928
Issue Date: April 12, 2004
Suspension Date: June 16, 2017
Case Number: 179018

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing (“Board”) regarding your certificate to practice as a nurse aide in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	September 20, 2017 1:00 P.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
 - Exonerate you;
 - Reprimand you;
 - Require you to pay a monetary penalty;
 - Place you on probation and/or under terms and conditions;
 - Continue your certificate on suspension;
 - Revoke your certificate.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: **July 5, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **July 10, 2017**. If no objections have been received by **July 10, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **July 15, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **July 5, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **July 10, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **July 15, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion. NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

REQUEST FOR A CONTINUANCE:

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **July 5, 2017** will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **July 5, 2017**.

OTHER IMPORTANT INFORMATION:

If the Board finds that there is sufficient evidence to find you in violation of the allegation(s) stated below and Virginia Code § 54.1-3007(8), the Board shall make a finding of abuse, neglect, and/or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit your future employment as a certified nurse aide in any long term care facility that receives Medicare or Medicaid reimbursement.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Kimberly Lambert, C.N.A., was certified to practice as a nurse aide in the Commonwealth of Virginia. Certificate Number 1401-102928 expired on April 30, 2017, and was not renewed.

2. During the course of her employment at Shenandoah Nursing Home and Assisted Living Community, Fishersville, Virginia:

a. Ms. Lambert violated 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”) in that on or about February 2 and 8, 2017, she 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.

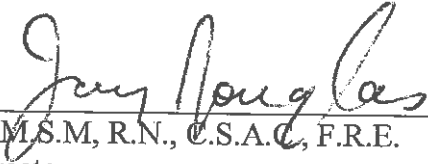
b. Ms. Lambert violated Virginia Code § 54.1-3007(2), (5) and (6) and 18 VAC 90-25-100(2)(c) of the Regulations in that on or about February 2, 2017, she stole a co-worker’s prescribed tramadol (C-IV), which she later admitted to a law enforcement investigator.

3. Ms. Lambert violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a nurse aide due to substance abuse and/or physical and/or mental illness, as evidenced by the following:

a. 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.

b. On or about 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.



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

June 16TH, 2017
Date