

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CRAIG ANTHONY TRIMBACH, R.N. REINSTATEMENT APPLICANT
License Number: 0001-172770
Case Number: 179149

ORDER

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 May 18, 2017, in Henrico County, Virginia, to receive and act upon Craig Anthony Trimbach’s application for reinstatement of his license to practice professional nursing in the Commonwealth of Virginia and to inquire into evidence that Mr. Trimbach may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Craig Anthony Trimbach, R.N., appeared at this proceeding and was represented by Nathan Mortier, Esquire.

NOTICE

By letter dated April 25, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Trimbach notifying him that a formal administrative hearing would be held on May 18, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

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. On November 8, 2000, the Board issued License Number 0001-172770 to Craig Anthony Trimbach, R.N., to practice professional nursing in the Commonwealth of Virginia. Said

license was mandatorily suspended by Order of the Director of the Department of Health Professions on December 14, 2016. His primary state of residence is Virginia.

2. Mr. Trimbach submitted an application for reinstatement of his license to practice professional nursing in the Commonwealth of Virginia on February 21, 2017.

3. By Stipulation and Final Agency Order entered November 23, 2016, the Colorado State Board of Nursing and Mr. Trimbach stipulated that Mr. Trimbach relinquished his multistate licensure privilege to practice as a professional nurse in the State of Colorado, based on findings of admitted drug diversion and impairment. This Order formed the basis for the mandatory suspension of his Virginia professional nursing license by the Virginia Department of Health Professions.

4. By Order entered February 1, 2017, the Maryland Board of Nursing summarily suspended Mr. Trimbach's license to practice registered nursing in the State of Maryland based on the Colorado State Board of Nursing Order.

5. By Order entered March 24, 2017, the Maryland Board of Nursing continued the summary suspension of Mr. Trimbach's license to practice as a registered nurse in the State of Maryland.

6. By letter dated May 2, 2017, Mr. Trimbach offered his license to practice as a registered nurse in the state of Maryland for voluntary surrender to the Maryland Board of Nursing.

7. During the course of his employment as a professional nurse with the Swedish Medical Center, Englewood, Colorado, between February and March 2013, Mr. Trimbach diverted fentanyl (C-II) and meperidine (C-II) for his own personal and unauthorized use. On March 20, 2013, Mr. Trimbach submitted to a for-cause urine drug screen that was positive for norfentanyl and meperidine.

8. Mr. Trimbach has a history of substance abuse including using ecstasy and mushrooms in the 1990's, using marijuana until late fall of 2013, and abusing alcohol until October 13, 2016.

9. On July 22, 2013, Mr. Trimbach underwent a substance abuse and mental health evaluation ordered by the Colorado State Board of Nursing. The evaluation diagnoses included opioid abuse and cannabis abuse, and the evaluator concluded that Mr. Trimbach was not safe to practice nursing with reasonable skill and safety to patients without monitoring under a treatment program.

10. On March 8, 2017, Mr. Trimbach signed a Participation Contract with the Health Practitioners' Monitoring Program, in which he acknowledged that his ability to practice nursing may be impaired by his history of substance use.

11. At the hearing, Mr. Trimbach testified that he had never practiced under the influence of drugs, and that he ingested the drugs he diverted in Colorado after work, not during a shift. He told the Board he was not eligible for the peer health assistance program in Colorado because he was in that state practicing on privilege. He further stated that he never used drugs again after he diverted drugs at Swedish Medical Center.

12. Mr. Trimbach testified that in order to take his sobriety seriously, he decided to stop drinking in addition to continuing to not ingest drugs. He told the Department of Health Professions investigator that his date of sobriety is October 13, 2016.

13. At the hearing, Mr. Trimbach told the Board that he has a sponsor, who wrote a letter on his behalf, attends AA meetings seven days a week, and is compliant with the Health Practitioners Monitoring Program. He told the Board that he has a strong support system and is committed to his sobriety.

14. Mr. Trimbach also told the Board that he voluntarily surrendered his Maryland license because he wanted to focus on his sobriety and pursuing reinstatement of his license in Virginia.

15. Mr. Trimbach testified that he would like to practice in a setting that does not involve drugs, such as occupational health.

16. Mr. Trimbach submitted seven letters in support of the reinstatement of his license. He also provided evidence of 19.2 hours of completed continuing education. The evidence also contained positive job performance evaluations.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 through 5 constitute a violation of Virginia Code § 54.1-3007(7).
2. Finding of Fact No. 7 constitutes a violation of 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).
3. Findings of Fact Nos. 8 through 10 constitute a violation of Virginia Code § 54.1-3007(6).
4. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Mr. Trimbach's health records or health services.

ORDER

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

1. By affirmative vote of at least three-fourths of the members of the Board at the proceeding, effective upon entry of this Order, the license issued to Craig Anthony Trimbach, R.N., to practice professional nursing in the Commonwealth of Virginia is REINSTATED subject to the following terms and conditions:
 - a. Mr. Trimbach shall continue to comply with all terms and conditions of his Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified in the Contract.

b. Upon receipt of evidence of Mr. Trimbach's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Mr. Trimbach's appearance before the Board and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.

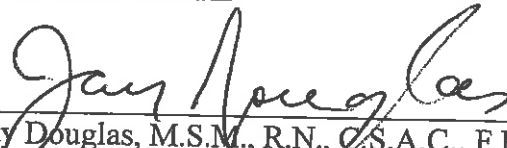
c. This Order is applicable to Mr. Trimbach's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Trimbach shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where he seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

d. Mr. Trimbach shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

2. Failure to comply with the terms and conditions of this Order shall constitute grounds for an administrative proceeding before the Board.

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

Certified True Copy

By 
Virginia Board Of Nursing

ENTERED AND MAILED ON:

May 31st, 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.