

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CRAIG ANTHONY TRIMBACH, R.N. REINSTATEMENT APPLICANT
License Number: 0001-172770
Suspension Date: December 14, 2016
Case Number: 179149

**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 application for reinstatement of your license to practice professional nursing in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	May 18, 2017 10:00 A.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. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of professional nursing.
3. In considering your application, the Board will consider evidence that grounds exist to deny your application for reinstatement of your license to practice professional nursing, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
 - Approve your application and issue an unrestricted license to practice professional nursing;
 - Approve your application and issue a reprimand, a monetary penalty, and/or a restricted license subject to terms and conditions;
 - Deny your application;

- Deny your application and continue your license on indefinite suspension or revoke your license.

ABSENCE OF APPLICANT AND APPLICANT'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.

APPLICANT'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: **May 8, 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. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **May 10, 2017**. If no objections have been received by **May 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 **May 12, 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: **May 8, 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: **May 8, 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 **May 8, 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 **May 8, 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 **May 8, 2017**.

OTHER IMPORTANT INFORMATION:

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF ALLEGATIONS

The Board alleges that grounds exist to refuse to reinstate the license of Craig Anthony Trimbach, R.N., to practice professional nursing in that:

1. Mr. Trimbach violated Virginia Code § 54.1-3007(7), as evidenced by the following:

a. 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.

b. 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.

c. 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.

2. Mr. Trimbach 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, by his own admission, during the course of his employment as a professional nurse with the Swedish Medical Center, Englewood, Colorado, between February and March 2013, he diverted fentanyl (C-II) and meperidine (C-II) for his own personal and

unauthorized use. On or about March 20, 2013, Mr. Trimbach submitted to a for-cause urine drug screen that was positive for norfentanyl and meperidine.

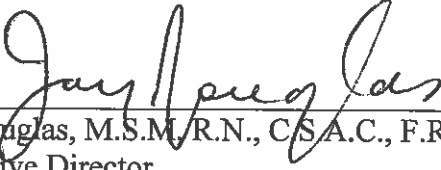
3. Mr. Trimbach violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice professional nursing due to substance abuse, as evidenced by the following:

a. By his own admission, 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 on or about October 13, 2016.

b. On or about 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.

c. On or about 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.

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.



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



Date