

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **THERESA GAROFALO WILKINSON, R.N.**  
**License Number: 0001-130195**  
**Case Number: 175107**

**RATIFICATION AND ORDER**

On May 17, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Theresa Garofalo Wilkinson, R.N., was not present nor was she represented by legal counsel.


In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

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 and copying upon request.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Wilkinson's health records or health services.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Wilkinson may, not later than 5:00 p.m., on June 28, 2017, notify Jay Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD

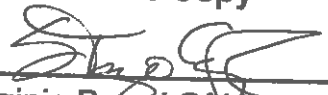
  
SS Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED AND MAILED ON:

May 26, 2017

This Order shall become final on June 28, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board Of Nursing

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jodi Power, R.N., J.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on February 16, 2017 in Henrico County, Virginia, to inquire into evidence that Theresa Garofalo Wilkinson, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Wilkinson appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Notice**

By letter dated January 23, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Wilkinson notifying her that an informal conference would be held on February 16, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

**Recommended Findings of Fact and Conclusions of Law**

1. Theresa Garofalo Wilkinson, R.N., was issued License Number 0001-130195 to practice professional nursing on August 28, 1992, which expired on June 30, 2016. Her primary state of residence is Virginia.

2. Ms. Wilkinson violated Virginia Code § 54.1-3007(2), (5), (6), and (8) and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c), (e) and (f) effective February 24, 2017) in that during the course of her employment with the Medical College of Virginia, Virginia Commonwealth University, Richmond, Virginia (“MCV/VCU”), between September 2015 and December 2015, she acknowledged falsifying medical records, ingesting pain medications while on duty, and diverting narcotics, including morphine, oxycodone, and hydromorphone (all C-II). For example:
  - a. While caring for Patient A:
    - i. Between September 28, 2015 and October 1, 2015, Ms. Wilkinson removed a total of 10mg of morphine sulfate – injectable for Patient A which was not charted as administered, wasted, or returned.
    - ii. On September 28, 2015, Ms. Wilkinson removed 2mg morphine sulfate at 23:12 and charted “not given-family refused,” with no record of return or waste.
  - b. On October 11, 2015, Ms. Wilkinson removed two tablets of oxycodone IR for Patient B at 3:03 a.m. Ms. Wilkinson charted at 3:00 a.m. and 4:00 a.m. “pt. sleeping – will reassess when patient is awake.” Ms. Wilkinson never charted the oxycodone as administered, wasted, or returned.
  - c. While caring for Patient C, between October 31, 2015 at 19:00 and November 1, 2015 at 5:00, Ms. Wilkinson did not document a pain assessment for Patient C. On October 31, 2015, Ms. Wilkinson removed two tablets of 5mg oxycodone IR at 23:29 for Patient C pursuant to an order for severe pain which was not charted as administered, wasted, or returned.

d. While caring for Patient D, on November 6, 2015, Ms. Wilkinson removed 1mg of hydromorphone - injectable at 19:44 for Patient D which was not charted as administered, wasted, or returned.

3. In her interview with an investigator for the Department of Health Professions (“DHP”) on December 14, 2015, Ms. Wilkinson admitted diverting oxycodone, Dilaudid, Valium, morphine and “anything in pill form” for her personal use which she ingested at home and on duty for shoulder pain following two surgeries in 2014 and 2015. She denied diverting fentanyl or other injectable medication, explaining that unaccounted for medication was due to “sloppy practice.” She denied depriving patients of medication.

4. Subsequently, Ms. Wilkinson retracted her confession, denying she had diverted medication or that she had a problem with pain medication. She told the DHP investigator that she had admitted to everything because she thought it was her “best option” and that she still planned to participate in the Virginia Health Practitioners’ Monitoring Program (“HPMP”).

5. On December 18, 2015, MCV/VCU notified Ms. Wilkinson that her employment would be terminated after a medical leave of absence, which would allow her to seek treatment and enroll in the HPMP.

6. Ms. Wilkinson entered HPMP on January 6, 2016. Her substance abuse and mental health assessments resulted in diagnoses of adjustment disorder with mixed emotional features of anxiety and depression; post-traumatic stress disorder, chronic; depressive disorder NOS; rule out substance use disorder; and rule out ADHD. On March 3, 2016, Ms. Wilkinson received a stay of disciplinary action regarding the admitted drug diversion at MCV/VCU.

7. In her mental health assessment conducted in March 2016, her treating counselor (LCSW) noted that Ms. Wilkinson has intrusive thoughts, avoidance behaviors, and significant

memory lapses, as well as cognitive distortions as a result of PTSD from childhood trauma when encountering a traumatic event.

8. Ms. Wilkinson allowed her nursing license to lapse on June 30, 2016. She surrendered her expired nursing license to the Board on July 20, 2016, along with a letter which indicated she planned to retire from nursing and did not desire to continue attending meetings and pay for drug screening associated with the HPMP.

9. Ms. Wilkinson was dismissed from HPMP and her stay of disciplinary action was vacated on July 25, 2016, due to ineligibility to participate in HPMP due to not having a current license.

10. At the informal conference, Ms. Wilkinson had difficulty responding to specific questions and provided conflicting information about the diversion incident, her personal and health history, her desire about her nursing license and the reason she appeared at the conference. She continued to deny drug diversion and chemical dependency, but admitted to a history of addiction to Quaaludes and Ambien. She currently works in a non-nursing position but would like the opportunity to go on mission trips, which may or may not require a nursing license.

11. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Wilkinson's health records or health services.

#### **Recommended Order**

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The Board accepts the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Theresa Garofalo Wilkinson's right to renew her license to practice professional nursing in the Commonwealth of Virginia.

2. The license of Theresa Garofalo Wilkinson, R.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Theresa Garofalo Wilkinson, R.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Wilkinson to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Wilkinson 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.

Reviewed and approved on March 14, 2017  
By Jodi Power, R.N., J.D.  
Agency Subordinate

Certified True Copy

By   
Virginia Board Of Nursing