

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: THERESA GAROFALO WILKINSON, R.N.
License Number: 0001-130195
Expiration Date: June 30, 2016
Case Numbers: 175107 & 170928

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing (“Board”) regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board.
DATE AND TIME:	February 16, 2017 at 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 informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Board’s Review of Agency Subordinate’s Recommended Decision

If you appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you fail to appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate 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 Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate 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 informal conference.**

FILING DEADLINES:

1. Deadline for filing materials: February 9, 2017. Submit 5 copies of all documents you want the Board to consider to Sylvia Tamayo-Suijk, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to materials, in writing, to Sylvia Tamayo-Suijk at the above address: February 9, 2017. NOTE: the failure to object to materials does not deprive you of the right to contest their contents at the proceeding.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after February 9, 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 **February 9, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Theresa Garofalo Wilkinson, R.N., was licensed to practice professional nursing in the Commonwealth of 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 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 or about 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 or about 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:

i. 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 or about 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.


ii. On or about November 1, 2015, Ms. Wilkinson removed 5mg of oxycodone IR at 05:42, and did not chart administration until 07:14.

d. While caring for Patient D:

i. On or about 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.

ii. On or about November 7, 2015, Ms. Wilkinson charted the administration of 10mg oxycodone IR to Patient D on several occasions pursuant to an order for moderate pain every four hours or as needed, but she failed to conduct pain assessments or reassessments to support the frequency with which the medications were administered.

See Confidential Attachment I for the names of the patients referenced above.


Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing

January 23, 2017
Date