

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KARA PATTON, R.N.
License Number: 0001-190942
Case Number: 174997

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. Kara Patton, 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. Patton's health records or health services.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Patton may, not later than 5:00 p.m., on June 28, Year, 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



So 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

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KARA PATTON, R.N.
License Number: 0001-190942
Case Number: 174997

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.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 Kara Patton, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Patton 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. Patton 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. Kara Patton, R.N., was issued License Number 0001-190942 to practice professional nursing on June 30, 2004, which is scheduled to expire on September 30, 2018. Her primary state of residence is Virginia.

2. By Order of the Board entered April 29, 2016 (“Board’s Order”), the Board placed Kara Patton, R.N., on probation for a period of 12 months following an incident of impairment on duty at Riverside Regional Jail, Prince George, Virginia, an admitted addiction to Fioricet, and subsequent hospitalization, where she was diagnosed with bi-polar disorder and depression.

3. Ms. Patton violated Term Number 2 of the Board’s Order in that she has failed to obtain and submit reports of mental health and neurology evaluations as ordered. The neurologist and mental health evaluator contacted by Ms. Patton were not approved by the Board. Ms. Patton has also not provided the ordered evaluations, which were due July 28, 2016. On February 8, 2017, she did submit a record of an office visit.

4. Ms. Patton violated Term Number 3 of the Board’s Order in that on July 23, 2016 Ms. Patton’s drug screen, for a specimen collected on July 18, 2016, was positive for phenobarbital, a Schedule IV controlled medication for which Ms. Patton has not provided evidence of a valid prescription. On February 8, 2017, she submitted pharmacy records indicating only valid prescriptions for Fioricet (butalbital) for treatment of her migraines.

5. Ms. Patton violated Term Numbers 5 and 8 of the Board’s Order in that the ordered performance evaluation from her employer, Fluvanna Correctional Center for Women, was not received within 60 days of the Board’s Order. The evaluation was due on June 28, 2016, but was not received until July 29, 2017. Quarterly performance evaluations due September and December 2016 have not been received either.

6. Ms. Patton violated Term Number 7 of the Board’s Order in that she did not, within ten days of the Order, return her unrestricted professional nursing license to the Board and pay her duplicate license fee. Ms. Patton returned her license during the informal conference.

7. Ms. Patton violated Term Number 11 of the Board's Order in that she did not provide her neurologist with a complete copy of the Board's Order.

8. Ms. Patton violated Term Numbers 8 and 12 of the Board's Order in that she did not submit a "Self Report" within 60 days of the entry of the Board's Order. Per the Board's Order, quarterly Self Reports due on June 30, 2016 and September 30, 2016, were not submitted until August 1, 2016 and October 11, 2016.

9. During the informal conference, Ms. Patton presented with a flat affect. She said she did not realize it was her responsibility to follow up on the ordered terms. She said she did not understand how to follow up or whom to call. The Board's Compliance Case Manager indicated she was the one who initiated contact with Ms. Patton

10. Ms. Patton has been diagnosed with PTSD, depression, and anxiety.

11. She is currently working at Fluvanna Correctional Center for Women, Troy, Virginia. She has not provided her employer with a complete copy of the Board's Order.

12. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Patton'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. Kara Patton, R.N., is REPRIMANDED.
2. Kara Patton, R.N.'s probation is extended for six additional months of active nursing practice under the same terms placed on her license by the Board's Order entered April 29, 2016, to wit:

a. The period of probation shall begin on the date that this Order is entered. The license shall be reinstated without restriction upon completion of the probation terms unless there is a pending investigation or unresolved allegation involving a violation of law or regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely until such time as the Board makes a case decision in accordance with the Administrative Process Act (Virginia Code § 2.2-4000 *et seq.*) and Virginia Code § 54.1-2400(9).

b. Ms. Patton shall have an evaluation by a mental health specialist and a third-party neurologist satisfactory to the Board and shall have a written report of the evaluations, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 90 days from the date this Order is entered. Ms. Patton shall comply with any treatment recommendations of the specialist and neurologist. If therapy is recommended, written progress reports by the therapist shall be sent to the Board on a quarterly basis until Ms. Patton is discharged from therapy. Written progress reports from the neurologist shall be sent to the Board on a quarterly basis until Ms. Patton is discharged from treatment. Ms. Patton shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist and direct the neurologist to notify the Board if she withdraws from the care of the neurologist before being officially discharged by the neurologist.

c. Ms. Patton shall not use alcohol or any other mood-altering chemical, except as prescribed by a health-care practitioner with whom she has a bone fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

- d. Ms. Patton shall be required to have one supervised, unannounced, random drug screen a quarter from a Board-approved testing entity, which includes testing for alcohol and the following drugs of choice: barbiturates, codeine, morphine, and oxycodone.
- e. Performance Evaluations shall be provided to the Board, at the direction of Ms. Patton, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.
- f. Ms. Patton shall practice only in her current position with the Fluvanna Correctional Center for Women or in a structured/supervised practice employment setting satisfactory to the Board for the duration of her probation. This employment setting shall provide on-site supervision by a physician or licensed nurse practitioner or professional nurse who works the same shift and holds an unrestricted license. Before changing practice employment during this period, Ms. Patton shall have all prospective practice employers provide a written description of the employment setting to the Board for approval.
- g. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. Many of the required report forms are available on the Board's website for your convenience.
- h. Ms. Patton shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Patton shall provide a contact name, address, and phone number for each practice employer to the Board.
- i. Ms. Patton shall inform all current and future practice employers that the Board has placed her on probation and Ms. Patton shall provide each practice employer with a complete copy of this

Order. If Ms. Patton is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation. If Ms. Patton is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

j. Ms. Patton shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an *Authorization for Disclosure of Information* form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and/or any consultants designated by the Board, if applicable.

k. Ms. Patton shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Patton has current practice employment or not.

l. Ms. Patton shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

m. Kara Patton, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.


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

4. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for

suspending or revoking the license of Ms. Patton, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

Reviewed and approved on April 13, 2017
By Jane Elliott, R.N., PH.D.
Agency Subordinate

Certified True Copy

By 
Virginia Board Of Nursing