

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           KIMBERLY A. WHALEN JOSEPHSON, R.N.**  
**License Number:   0001-176201**  
**Case Number:       173508**

**CONSENT ORDER**

**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Nursing (“Board”) and Kimberly A. Whalen Josephson, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Josephson’s license to practice professional nursing in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1.     Kimberly A. Whalen Josephson, R.N., was issued License Number 0001-176201 to practice professional nursing on July 3, 2001, which is scheduled to expire on June 30, 2018. Ms. Josephson was also issued License Number 0024-164919 to practice as a nurse practitioner on July 18, 2001, which is scheduled to expire on June 30, 2018. Her primary state of residence is Virginia.
2.     Ms. Josephson violated Virginia Code § 54.1-3007(5) and (6) in that on April 27, 2016, during the course of her employment with Sentara Northern Virginia Medical Center (“SNVMC”), Woodbridge, Virginia, she was impaired by alcohol while on duty, as evidenced by her refusal to submit to reasonable suspicion testing after staff observed that she had red glassy eyes, smelled strongly of alcohol, and was repeating herself.
3.     Ms. Josephson’s employment with SNVMC was terminated on April 27, 2016 because she did not comply with the hospital’s reasonable suspicion drug and alcohol testing protocol.
4.     During an interview with an investigator for the Department of Health Professions on July 18, 2016, Ms. Josephson reported that she “had just gotten a DUI”.

5. Ms. Josephson also stated that in September of 2015 she began a 30-day inpatient treatment program for alcohol abuse at Serenity Acres in Maryland.

6. Ms. Josephson signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on August 2, 2016, and a Recovery Monitoring Contract on September 26, 2016. Ms. Josephson was placed on warning status on December 5, 2016 after having a positive screen for alcohol on November 30, 2016. Ms. Josephson admitted that she had consumed three big glasses of wine. After being placed on pre-dismissal status in January of 2017, Ms. Josephson entered into NOVANT Prince William's detoxification program on January 23, 2017. She then transferred to the Farley Center's residential treatment program. As of March 2017, the Farley Center reports that she is progressing in treatment.

### CONSENT

Kimberly A. Whalen Josephson, R.N., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my licensure to practice professional nursing in the Commonwealth of Virginia.

### ORDER

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

1. The Board shall TAKE NO ACTION at this time, contingent upon Ms. Josephson's continued compliance with the terms and conditions of her Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified in the Contract.
2. Upon receipt of evidence of Ms. Josephson's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Josephson's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.
3. This Order is applicable to Ms. Josephson's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Josephson 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 she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
4. Kimberly A. Whalen Josephson, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.
5. 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*

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

ENTERED: May 12<sup>TH</sup>, 2017

SEEN AND AGREED TO:

*Kimberly A. Whalen Josephson, R.N.*  
Kimberly A. Whalen Josephson, R.N.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Prince William, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this  
9 day of May, 2017.

*D-B-G*  
Notary Public



My commission expires: 06/30/2021

Registration No.: 7721307

Certified True Copy  
By *[Signature]*  
Virginia Board of Nursing