



Practitioners' Intervention Program) based on findings that Ms. Zientek had not committed any violation of law or regulation other than impairment or the diversion of controlled substances for personal use.

2. Ms. Zientek entered into a Participation Contract with the HPMP on February 20, 2012, and a Recovery Monitoring Contract on April 10, 2012. Ms. Zientek's prior participation in the HPMP was terminated for non-compliance with her Recovery Monitoring Contract on September 15, 2003. Ms. Zientek reported a sobriety date of January 27, 2004.

3. On her application for reinstatement of her license to practice professional nursing, received by the Board on November 21, 2011, Ms. Zientek answered "No" to the question "Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing?" when, in fact, she is an addict and at risk for a relapse. Ms. Zientek, following her submission of her application, submitted a letter to the Department of Health Professions investigator explaining that she misunderstood the question. She also testified that she is a recovering addict.

4. On January 7, 2005, in the Henrico County, Virginia, Circuit Court, Ms. Zientek was convicted of one count of prescription fraud, a misdemeanor involving moral turpitude.

5. Ms. Zientek's primary state of residence is Alaska, and she intends to apply for licensure in Alaska and to continue in monitoring by HPMP. Ms. Zientek testified that she attends Alcoholics Anonymous, has a sponsor, and is in counseling. Ms. Zientek submitted favorable letters from persons knowledgeable of her recovery. Ms. Zientek has completed continuing education courses and has registered for the South Dakota online professional nursing refresher course as recommended by the Alaska Board of Nursing.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing.

3. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.

**ORDER**

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0001-070677 issued to Bonnie Zientek to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED contingent upon her continued compliance with the HPMP for the period specified by the HPMP. Ms. Zientek shall be issued a license marked "Valid in Virginia Only."

1. This order shall be applicable to Ms. Zientek's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Zientek shall not work outside 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 wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

2. Ms. Zientek shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Zientek, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Zientek shall be noticed to appear before the Board at such time as the Board is notified that:

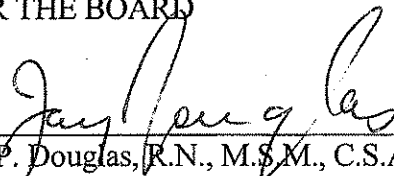
- a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

- b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Zientek's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

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

May 1<sup>ST</sup>, 2012  
ENTERED

**Certified True Copy**

By Kouster Blain  
Virginia Board of Nursing

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.