

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KELLY ELMHORST, R.N.
 License No.: 0001-188381**

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Kelly Elmhorst, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Elmhorst's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kelly Elmhorst, R.N., L.N.P., was issued License No. 0001-188381 to practice professional nursing in Virginia on December 15, 2003. The license is scheduled to expire on November 30, 2014. She was issued License No. 0024-168253 to practice as a nurse practitioner certified in the practice of anesthesiology in Virginia on March 19, 2009. The license is scheduled to expire on November 30, 2014. Virginia is her primary state of residence.
2. While on duty during the course of her employment with Sentara Norfolk General Hospital, Norfolk, Virginia, on January 16, 2012, Ms. Elmhorst was discovered by coworkers in the restroom after she had injected Propofol (Schedule VI) with the intent to commit suicide. She was permitted to resign her position with Sentara Norfolk General Hospital effective immediately.
3. Ms. Elmhorst entered the Farley Center, Williamsburg, Virginia, on the same date. She completed two months' inpatient, substance abuse treatment.
4. Ms. Elmhorst signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on February 1, 2012. She received a stay of disciplinary action on May 7, 2012. She

remained compliant with the program requirements until July 24, 2012, when a urine drug screen returned a positive result for fentanyl (Schedule II) which was administered to her during hand surgery on June 27, 2012. Her stay of disciplinary action was vacated on August 9, 2012. Ms. Elmhurst has returned to compliance with her HPMP contract and continues with her treatment regimen.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of §54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

CONSENT

Ms. Elmhurst, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, §2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She neither admits nor denies the Findings of Fact and Conclusions of Law contained herein, but waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time contingent upon Ms. Elmhorst's continued compliance with the terms and conditions of the HPMP for the period specified by the HPMP.

2. Ms. Elmhorst 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 Kelly Elmhorst, R.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Elmhorst 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. Elmhorst'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 upon request.

FOR THE BOARD

Jay P. Douglas
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing
ENTERED: May 21, 2013

SEEN AND AGREED TO:

Kelly Elmhorst

Kelly Elmhorst, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Chesapeake, TO WIT:

Subscribed and sworn to before me, Alura Payne, a Notary Public, this 23rd day of April, 2013.

My commission expires April 30 2016.

Registration Number 7516138.

ALURA ARELE PAYNE
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES APRIL 30, 2016
COMMISSION # 7516138

Alura Payne

NOTARY PUBLIC

Certified True Copy

By *[Signature]*

Virginia Board of Nursing