

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **KARI NICOLE PRELLWITZ GARMAN, L.P.N.**
License Number: 0002-086177
Case Number: 163676

RATIFICATION AND ORDER


On January 25, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Kari Nicole Prellwitz Garman, L.P.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.

Since Ms. Garman failed to appear at the informal conference, this Order shall be considered final. Ms. Garman has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Garman has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD



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

Certified True Copy

By 

Virginia Board of Nursing

ENTERED AND MAILED ON:

February 2nd, 2017

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IN RE: KARI NICOLE PRELLWITZ GARMAN, L.P.N.
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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 November 7, 2016 in Henrico County, Virginia, to inquire into evidence that Kari Nicole Prellwitz Garman, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Garman did not appear 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 October 7, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Garman notifying her that an informal conference would be held on November 7, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The certified mail receipt was signed and returned to the Board. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Garman and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Kari Nicole Prellwitz Garman, L.P.N., was issued License Number 0002-086177 to practice practical nursing on November 29, 2011, which is scheduled to expire on May 31, 2017. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. During the course of her employment with Gainesville Health and Rehabilitation Center, Gainesville, Virginia:

a. Ms. Garman violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”) in that in April and May, 2015, by her own admission, Ms. Garman diverted Percocet (oxycodone, C-II) for her personal and unauthorized use. She accomplished the diversion by removing medication belonging to Resident A, documenting administration and keeping the medication for herself.

b. Ms. Garman violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(c) of the Regulations in that from May 11 to May 22, 2015, Ms. Garman diverted Percocet that belonged to Resident B and kept the medication for herself.

c. Ms. Garman violated Virginia Code § 54.1-3007(5) in that on May 22, 2015, she withdrew Ativan (lorazepam, C-IV) for Patient C and failed to document administration.

3. Ms. Garman’s employment was terminated on May 22, 2015.

4. Ms. Garman violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice practical nursing due to admitted substance abuse.

5. Ms. Garman entered a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) on July 9, 2015. Ms. Garman notified the HPMP that she was a member of the Army National Guard and would be deployed to Afghanistan in September 2015. On September 2,

2015, the HPMP suggested that she resign due to the upcoming deployment and to remain in contact until she was deployed. Ms. Garman was dismissed from the HPMP on November 20, 2015, for failing to respond to communication from the HPMP. Ms. Garman has returned to the United States; however, as of November 7, 2016, she had not re-entered the HPMP.

6. On November 14, 2015, the Department of Health Professions investigator received a copy of Ms. Garman's military orders to deploy for active duty on September 8, 2015. The orders indicated a period of active duty not to exceed 400 days.

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. The license of Kari Nicole Prellwitz Garman, L.P.N., to practice practical nursing is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended.

3. This suspension applies to any multistate privilege to practice practical nursing.

4. Should Kari Nicole Prellwitz Garman, L.P.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Garman to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Garman shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

5. The suspension shall be STAYED upon proof of Ms. Garman's re-entry into a contract with the HPMP.

6. Upon stay of the suspension, Kari Nicole Prellwitz Garman, L.P.N., shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

7. Upon receipt of evidence of Ms. Garman's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Garman's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

8. This Order is applicable to Ms. Garman's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Garman 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.

9. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Kari Nicole Prellwitz Garman, L.P.N., and the license shall be recorded as suspended. After any rescission of the stay of suspension, Ms. Garman may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

Reviewed and approved on November 21, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing