

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ANNA CHRISTINE GEMEREK, R.N.
License Number: 0001-221755
Case Number: 169153

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on November 14, 2016, in Henrico County, Virginia, to inquire into evidence that Anna Christine Gemerek, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Anna Christine Gemerek, R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated October 25, 2016, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Gemerek notifying her that a formal administrative hearing would be held on November 14, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On October 15, 2009, the Board issued License Number 0001-221755 to Anna Christine Gemerek, R.N. to practice professional nursing in the Commonwealth of Virginia. Said

license is scheduled to expire on January 31, 2018. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. In August 2015, Ms. Gemerek was hospitalized at Tucker Pavilion, Chippenham Johnston-Willis Hospital, Richmond, Virginia, where she requested detoxification from alcohol. She stated at the time of her admission, as recorded in her recovery plan, that she had been drinking a liter of vodka per day. Her discharge diagnoses included depressive disorder and alcohol dependence.

3. In her interview with the Department of Health Professions investigator dated November 3, 2015, Ms. Gemerek stated that began consuming alcohol when she was 18 years old. She admitted two prior convictions for driving under the influence. She further admitted that her drinking escalated in 2013 due to stress in her marriage. She stated that she goes to Alcoholics Anonymous meetings on an occasional basis, but that she continues to drink alcohol once or twice a week with dinner, including several days before the interview.

4. Ms. Gemerek stated that she has no interest in joining the Health Practitioners' Monitoring Program ("HPMP") because she cannot afford to be taken out of work and that she has not received any substance abuse treatment since her second DUI in 2005. She testified that receiving counseling may be beneficial for her. Ms. Gemerek told the Board she recently took four months off of work, including a two-week vacation to Alaska.

5. Evidence revealed that her primary care physician, when made aware of Ms. Gemerek's hospitalization at Tucker Pavilion, expressed concern if Ms. Gemerek was using Ativan while consuming alcohol. This physician had prescribed Ativan to treat Ms. Gemerek's reported anxiety. At the hearing, Ms. Gemerek testified she hasn't seen this physician in a year.

6. Ms. Gemerek stated that she did not take her prescriptions as prescribed. At the hearing, she testified that she stopped taking all medications in 2015. She further testified that her primary

problem is her depression, which is situationally dependent. In fact, she told the Board that when she went to Tucker, she was actually seeking help for her depression; nonetheless, she told the Board at the hearing that she did not follow the discharge recommendations and that she does not currently have a problem with depression.

7. Ms. Gemerek testified that she is not an alcoholic, and that she consumes about four glasses of wine per week. She told the Board that when she has a “down moment” she attends online AA meetings or talks to her pastor. She told the Board that she only attended four to five in-person AA meetings between August and November 2015. She admitted it could be beneficial to have additional counseling but that she feels she is self-aware and able to self-report if her stressors built up again. However, she failed to articulate a clear plan beyond a phone call to her mother or pastor, should a stress trigger occur again.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(6).
2. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Gemerek’s health records or health services.

ORDER

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

1. Ms. Gemerek is placed on INDEFINITE PROBATION subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After Ms. Gemerek has completed one year of active professional nursing practice, she may request that the Board end this probation.

b. Ms. Gemerek shall have an evaluation by a mental health and chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, 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. Gemerek shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Gemerek is discharged from therapy. Ms. Gemerek shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

c. Ms. Gemerek shall not use alcohol or any other mood-altering chemical, except as prescribed by a health care practitioner with whom she has a bona 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 10 days of the date the medication is prescribed.

d. Ms. Gemerek shall have one supervised, observed, random drug screen per month from a Board-approved testing entity, which includes testing for alcohol. MS. Gemerek shall ensure that the first set of results is received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. Gemerek refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

e. Ms. Gemerek shall attend Alcoholics Anonymous recovery support groups or other groups acceptable to the Board two times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board monthly, by the last day of the month in attendance.

f. Ms. Gemerek shall submit “Self Reports” which include a current address, telephone number, email address, 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. Gemerek has current practice employment or not. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date of entry of the Order and subsequent reports due the last day of the months of March, June, September and December until Ms. Gemerek is notified, in writing, that the reporting requirement is ended. Ms. Gemerek shall notify the Board within 10 days, in writing, of: any change in address, telephone number, or e-mail address of the respondent; changes in the location of her practice; additional practice locations; change in employment, including termination, suspension, separation, or other interruption in practice (including the name and address of any new employer and the date of employment); criminal charges or convictions.

g. Ms. Gemerek shall provide her current employer at each practice location or assignment within 45 days of the entry of the Order, and each future employer at each practice location or assignment immediately upon employment with a copy of this Order in its entirety.

h. Ms. Gemerek shall ensure that the supervisor shall provide quarterly reports to the Board regarding Ms. Gemerek’s clinical judgment, clinical performance, recordkeeping, documentation, medication administration, and overall performance. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date this Order is

entered, and subsequent reports due the last day of the months of March, June, September and December until Ms. Gemerek is notified, in writing, that the reporting requirement is ended.

i. Ms. Gemerek shall, within 45 days of the date of entry of this Order, return all copies of her license, along with any required fee, to the Board office, and the Board shall issue Ms. Gemerek a license marked “Valid in Virginia Only: Probation with Terms.”

j. Ms. Gemerek shall sign all required medical releases and authorization forms within 60 days of the date of entry of this Order allowing for unrestricted communication between and among the Board and (a) her Supervisor, (b) her employer(s) and potential and intended employers, and (c) her current and future treating healthcare provider(s).

k. Ms. Gemerek shall bear any costs associated with the terms and conditions of this Order.

l. Ms. Gemerek shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

m. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

n. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Ms. Gemerek, and an administrative proceeding shall be held to determine whether to impose such action.

o. This Order shall remain in effect until the Board has notified Ms. Gemerek in writing that she is released from Probation and all terms and conditions.

p. The Executive Director of the Board is authorized to issue an Order acknowledging satisfactory completion of the foregoing conditions or to refer the matter to an administrative proceeding for review of Ms. Gemerek's compliance with the foregoing conditions.

2. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Gemerek's health records or health services.

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


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

ENTERED AND MAILED ON:

December 16, 2016

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 Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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.

Certified True Copy

By 
Virginia Board Of Nursing