

**BEFORE THE VIRGINIA COMMITTEE OF THE JOINT BOARDS OF NURSING AND
MEDICINE**

**IN RE: KIMBERLY MAIGI, L.N.P.
 License Number: 0024-171831
 Case Number: 170147**

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), an Agency Subordinate of the Virginia Committee of the Joint Boards of Nursing and Medicine (“Committee”) held an informal conference on August 16, 2016 in Henrico County, Virginia, to inquire into allegations that Kimberly Maigi, L.N.P., may have violated certain laws and regulations governing nurse practitioner practice in Virginia.

Ms. Maigi appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated July 18, 2016, the Board of Nursing (“Board”) sent a Notice of Informal Conference (“Notice”) to Ms. Maigi notifying her that an informal conference would be held on August 16, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

COMMITTEE’S CONSIDERATION OF AGENCY SUBORDINATE’S RECOMMENDATION

The Committee met regarding this matter on December 7, 2016. Ms. Maigi was not present nor was she represented by legal counsel. In consideration whereof, the Committee makes the following Findings of Fact and Conclusions of Law and issues the ORDER contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Kimberly Maigi, L.N.P. was issued License Number 0024-171831 to practice as a nurse practitioner on July 9, 2014, which is scheduled to expire on September 30, 2018 and was issued Prescriptive Authority Number 0017-142639 on January 20, 2016, which is scheduled to expire on September 30, 2018. She was also issued License Number 0001-254913 to practice professional nursing on October 14, 2014, which is scheduled to expire on September 30, 2018. At all times relevant to the findings herein, said licenses were in full force and effect. Her primary state of residence is Virginia.
2. Kimberly Maigi, L.N.P. violated Virginia Code §§ 54.1-2957.01(A) and 54.1-3007(2) and (5) and 18 VAC 90-30-220(3), (4) and (6) of the Regulations Governing the Licensure of Nurse Practitioners in that from August 4, 2014 through October 13, 2015, she wrote prescriptions while employed with the Orthopaedic and Spine Center, Newport News, Virginia (“OCS”) without authorization from the Committee of the Joint Boards.
3. At the informal conference, Ms. Maigi stated that the failure to obtain prescriptive authority was unintentional and that she had no intent to act unethically. Further, she asserted that at all times she was prescribing, she had a DEA license to do so and believed the DEA license was sufficient to prescribe in Virginia.
4. Ms. Maigi stated that she was credentialed by her former employer, OCS, which was unaware of the procedure for nurse practitioners to prescribe in Virginia. Ms. Maigi was the first nurse practitioner employed by the practice. Ms. Maigi left OCS in good standing.
5. During her employment with OCS, Ms. Magi became aware on October 9, 2015 that she did not have prescriptive authority from the Committee of the Joint Boards. She stated that she ceased writing prescriptions once the issue was brought to her attention; however, she again wrote a

prescription for a narcotic on October 13, 2015. She explained that at that point she was still confused about whether a Virginia prescriptive authority was only necessary for Schedule VI medications and mistakenly believed that her DEA license was, in fact, sufficient to prescribe a narcotic drug. She stated that this was the only further prescription she issued after October 9, 2015 until receiving her prescriptive authority license.

6. Ms. Maigi was issued a license for prescriptive authority in Virginia in January 2016. She has been employed as a nurse practitioner at Riverside Norge Internal Medicine and Pediatrics since late January 2016. Her current employer is aware of her appearance at the informal conference.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Committee orders as follows:

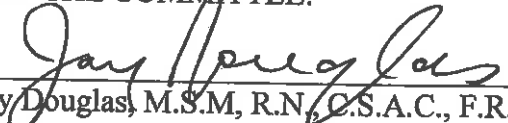
1. Kimberly Maigi, L.N.P., is assessed a MONETARY PENALTY of \$100.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 90 days from the date of entry of this Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline.

2. Kimberly Maigi shall comply with all laws and regulations governing the practice as a nurse practitioner in the Commonwealth of Virginia.

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.

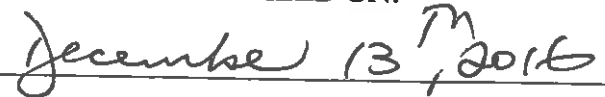
Pursuant to Virginia Code § 54.1-2400(10), Ms. Maigi may, not later than 5:00 p.m., on January 15, 2017, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:



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

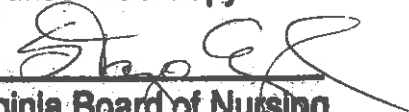
ENTERED AND MAILED ON:



December 13th, 2016

This Order shall become final on January 15, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing