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AUG 11 2015

VIRGINIA:

BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE: TAMMY GAUL, R.N.  
License No.: 0001-149324

CONSENT ORDER

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

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

FINDINGS OF FACT

1. Tammy Gaul, R.N., was issued License No. 0001-149324 to practice professional nursing by the Virginia Board of Nursing on July 11, 1996. Said license is set to expire on August 31, 2015. Ms. Gaul's primary state of residence is Virginia.
2. During the course of her employment with DePaul Medical Center, Norfolk, Virginia, in late 2012 and early 2013, Ms. Gaul diverted Percocet (oxycodone and acetaminophen, C-II) for approximately three to six months. Ms. Gaul achieved this diversion by signing out the Percocet and not giving it to her patients. Ms. Gaul estimated that she diverted approximately 15 – 20 does of Percocet.
3. Ms. Gaul's employment with DePaul Medical Center was terminated as a result of her diversion.
4. On March 22, 2013, Ms. Gaul entered into the Farley Center, Williamsburg, Virginia, for treatment. Ms. Gaul completed 60 days of residential treatment.
5. On April 9, 2013, Ms. Gaul entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"). She subsequently signed three Recovery Monitoring

Contracts, with the last signed on October 24, 2014. She was granted a stay of disciplinary action on September 16, 2013, with the understanding that she would comply all terms and conditions of the HPMP.

6. On November 13, 2014, Ms. Gaul’s HPMP case manager was notified that Ms. Gaul tested positive for amphetamines. Ms. Gaul admitted that she took a friend’s Adderall (C-II). Ms. Gaul was required to increase her treatment frequency. On December 10, 2014, Ms. Gaul’s stay of disciplinary action was rescinded.

7. Ms. Gaul entered into an Intensive Outpatient Program (“IOP”) with Finney Zimmerman Psychiatric Associates. Her treatment provider stated to the investigator for the Department of Health Professions on March 20, 2015, that Ms. Gaul was compliant with the program and was responding well. Ms. Gaul completed 90 Alcoholics Anonymous meetings in 90 days. As of the date of the interview, Ms. Gaul had four sessions remaining in the IOP, and had completed nine of twelve Relapse Prevention sessions. Ms. Gaul was working on obtaining a new sponsor, because her previous sponsor had a relapse.

8. Ms. Gaul also is seen by an addiction specialist with Meridian Psychotherapy. She is seen every three months and receives an injection of Vivitrol, an opioid antagonist.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Ms. Gaul is properly enrolled in the HPMP.

### CONSENT

Tammy Gaul, R.N., 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 admits to the Findings of Fact and Conclusions of Law contained herein and 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 on the following conditions:
  - a. Ms. Gaul shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
  - b. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Gaul, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Gaul shall be noticed to appear before the Board at such time as the Board is notified that:
    - i. Ms. Gaul's participation in the HPMP has been terminated;
    - ii. There is a pending investigation or unresolved allegation against Ms. Gaul

involving a violation of law, regulation, or any term or condition of this order.

2. Upon receipt of evidence of Ms. Gaul's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Gaul's appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Gaul's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Gaul 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 Ms. Gaul wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Gaul 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.

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

*for* Alana Mitchell-Lively  
Jay P. Douglas, M.S.M., R.N., C.S.A.C., E.R.E.  
Executive Director, Virginia Board of Nursing

ENTERED: August 14, 2015

SEEN AND AGREED TO:

Tammy Gaul R.N.  
Tammy Gaul, R.N.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Virginia Beach TO WIT:

Subscribed and sworn to before me, Beverly Galborton, a Notary Public, this 7 day of August, 2015.

My commission expires 6/30/16

Registration Number 7044310

Beverly Galborton  
NOTARY PUBLIC



Certified True Copy  
By [Signature]  
Virginia Board of Nursing