

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: BROOKE ARBOGAST, L.P.N.
License Number: 0002-091164
Case Number: 171692, 171693, 171694, 173871

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on October 11, 2016, in Henrico County, Virginia, to inquire into evidence that Brooke Arbogast, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Brooke Arbogast, L.P.N. appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated September 9, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Arbogast notifying her that an informal conference would be held on October 11, 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 Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Brooke Arbogast, L.P.N., was issued License Number 0002-091164 to practice practical nursing on July 28, 2014, which is scheduled to expire on June 30, 2018. At all times relevant to the findings contained herein, said license was current and active. Her primary state of residence is Virginia.

2. Ms. Arbogast violated Virginia Code 54.1-3007(2), (5), (6), and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”) in that during the course of her employment with Greenfield Senior Living of Spotsylvania, Fredericksburg, Virginia, Ms. Arbogast forged several prescriptions for methylphenidate HCL (C-II) and alprazolam (C-IV), using the DEA number of the nurse practitioner working in the facility for her personal and unauthorized use, as evidenced by the following:

a. Between November 2, 2015, and January 18, 2016, by her own admission, Ms. Arbogast forged six prescriptions for methylphenidate HCL (C-II) in the name of Resident A, and altered the resident’s medical records to support the need for the medication.

b. On or about October 26 2015, by her own admission, Ms. Arbogast fraudulently documented in Resident B’s medical record that the staff nurse practitioner gave a verbal order to start lorazepam for anxiety for Resident B and faxed an order for the medication to the pharmacy.

c. Between November 11, 2015, and January 9, 2016, by her own admission, Ms. Arbogast forged four prescriptions for alprazolam in the name of Resident C.

3. Ms. Arbogast’s employment as a wellness nurse with Greenfield was terminated on January 21, 2016.

4. In September 2016, Ms. Arbogast pled guilty to two counts of obtaining drugs by fraud/first offense, and one count of obtaining prescription by fraud in the Circuit Court of Spotsylvania County, Virginia. The criminal charges were in connection with her actions at Greenfield Senior Living. Further, in 2015, Ms. Arbogast had pled guilty to one count of prescription forgery in 2015 after she altered her own prescription for Adderall and was given a deferred disposition; that case was later dismissed.

5. Ms. Arbogast entered the Health Practitioners’ Monitoring Program in June 2016. She signed her second Recovery Monitoring Contract on September 29, 2016.

6. Ms. Arbogast provided a certificate of completion of a substance abuse program at the Boxwood Recovery Center, dated April 1, 2016. She then participated in an intensive outpatient program until she began drug court in September 2016. She also participates in moral reconciliation therapy and submits to at least three drug screens per week. She attends three Alcoholics Anonymous meetings per week. She stated her date of sobriety is January 21, 2016. Ms. Arbogast accepted responsibility for her actions at Greenfield and acknowledged her lack of control with respect to alcohol and prescription medication.

7. Ms. Arbogast is not currently taking any medication.

8. Ms. Arbogast is currently working in an administrative position in a non-health-care capacity.

ORDER

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

1. Brooke Arbogast, R.N., is REPRIMANDED.

2. The Board shall TAKE NO FURTHER ACTION at this time, contingent upon Brooke Arbogast, L.P.N.,’s compliance with the following terms and conditions:

a. Brooke Arbogast, L.P.N., shall continue to comply with all terms and conditions of her contract with the Virginia Health Practitioner’s Monitoring Program (“HPMP”)for the period specified by the HPMP.

b. Upon receipt of evidence of Brooke Arbogast, L.P.N.,’s participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Brooke Arbogast, L.P.N.’s appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

c. This Order is applicable to Brooke Arbogast, L.P.N.,’s multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Brooke Arbogast, L.P.N., 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.

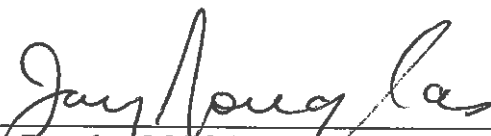
d. Failure to comply with the terms and conditions of this Order shall constitute grounds for an administrative proceeding before the Board.

2. Brooke Arbogast, L.P.N., shall comply with all laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

3. Any violation of any statute or regulation governing the practice of practical nursing shall constitute grounds for further disciplinary action.

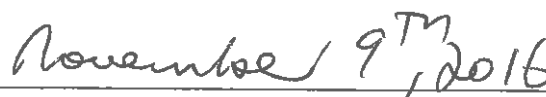
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



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

ENTERED AND MAILED:



November 9TH, 2016

Certified True Copy

By: 

Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Arbogast may, not later than 5:00 p.m., on December 12, 2016, notify Jay P. 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, 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. This Order shall become final on December 12, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing