

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: Kelly Presley Vargas, R.N.  
License Number: 0001-248732  
Case Number: 162525**

**RATIFICATION AND ORDER**

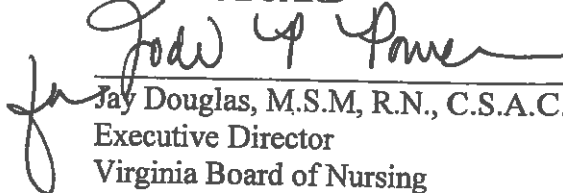
On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Kelly Presley Vargas, R.N. was not present nor was she represented by legal counsel.

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.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Vargas may, not later than 5:00 p.m., on October 31, 2016, 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 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:

September 25, 2016

This Order shall become final on October 31, 2016, unless a request for a formal administrative hearing is received as described above.

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliot, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing ("Board"), held an informal conference on June 23, 2016 in Henrico County, Virginia, to inquire into evidence that Kelly Presley Vargas, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Vargas appeared 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 May 24, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Vargas notifying her that an informal conference would be held on June 23, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

**Recommended Findings of Fact and Conclusions of Law**

1. Kelly Presley Vargas, R.N. was issued License Number 0001-248732 to practice professional nursing on December 16, 2013, which is scheduled to expire on January 31, 2017. At all

times relevant to the allegations herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. Kelly Presley Vargas, R.N. violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that, by her own admission, during the course of her employment as a travel nurse with AMN Healthcare, while assigned to High Point Regional Health System, High Point, North Carolina, (“HPRHS”), on February 15, 2015, she diverted opiates for her personal and unauthorized use.

3. Kelly Vargas, R.N. violated Virginia Code § 54.1-3007(5) and (6) in that, by her own admission, during the course of her assignment at HPRHS, on February 15, 2015, she was impaired at work.

4. On October 20, 2015, Ms. Vargas entered HPMP and signed a Participation Contract in which she acknowledged her opioid abuse. Ms. Vargas entered into a Recovery Monitoring Contract with HPMP on January 18, 2016. Ms. Vargas stated at the informal conference that she has a sponsor and attends NA meetings one day per week when possible and AA meetings three days per week. Ms. Vargas stated her sobriety date is January 18, 2016.

5. According to an HPMP Compliance Report received by the Board of Nursing on June 22, 2016, Ms. Vargas is in full compliance with her Recovery Monitoring Contract and was approved to return to practice on May 3, 2016.

6. Kelly Presley Vargas, R.N. violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing in that, by her own admission, Ms. Vargas falsified her January 13, 2015 employment application with AMN Healthcare by falsely stating that the reason she was leaving her employment with Mary Washington Healthcare

("MWH") was that she wanted "to travel." In fact, Ms. Vargas' employment with MWH was terminated.

7. Ms. Vargas has not worked in the practice of nursing since September, 2015.

### **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. Kelly Presley Vargas is REPRIMANDED.
2. The Board shall TAKE NO FURTHER ACTION at this time, contingent upon Kelly Presley Vargas's continued compliance with all terms and conditions of her Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified in the Contract.
3. Upon receipt of evidence of Kelly Presley Vargas's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Kelly Presley Vargas's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.
4. Kelly Presley Vargas shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.
5. This Order is applicable to Kelly Presley Vargas's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Kelly Presley Vargas 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.

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

Reviewed and approved on July 11, 2016  
By Jane Elliot, R.N., Ph.D.  
Agency Subordinate

**Certified True Copy**

By   
**Virginia Board of Nursing**