

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: HEATHER DARR BARENKLAU, R.N.
License Number: 0001-185772
Case Number: 170474

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Heather Darr Barenklau, R.N., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Ms. Barenklau's license to practice professional nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Board held an informal conference on August 15, 2016, in Henrico County, Virginia. Ms. Barenklau appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated July 18, 2016, the Board sent a Notice of Informal Conference ("Notice") to Ms. Barenklau notifying her that an informal conference would be held on August 15, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board at the time of the mailing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Heather Darr Barenklau, R.N. was issued License Number 0001-185772 to practice professional nursing on June 30, 2003, which is scheduled to expire on January 31, 2017. At all times relevant to the findings contained herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. Heather Darr Barenklau, R.N. 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 in that during the course of her employment with Valley Health System Winchester Medical Center, Winchester, Virginia, between September and October 2015, Ms. Barenklau diverted patient narcotic pain medications for her own personal, unauthorized use, and, on multiple occasions, consumed the medications while at work. Ms. Barenklau accomplished this diversion by withdrawing the medication and then documenting wastage, but keeping the pills for herself.

3. Ms. Barenklau self-reported these allegations both to Valley Health System Winchester Medical Center and to the Department of Health Professions (“DHP”).

4. On December 14, 2015, Ms. Barnklau’s supervisor from Valley Health System Winchester Medical Center told the investigator for DHP that Ms. Banklau was welcome to come back to work once she completed treatment.

5. Ms. Barenklau violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to substance abuse and/or chemical dependency, as evidenced by the following:

a. Ms. Barenklau began abusing prescribed narcotic medications in the summer of 2015.

b. Beginning in November 2015, Ms. Barenklau received treatment at Berryville Medical Associates, Berryville, Virginia for diagnoses including substance dependence, drug addiction, and depression.

c. On November 12, 2015, at Winchester Addiction Services, Winchester, Virginia, Ms. Barenklau was assessed and diagnosed with opiate dependence.

d. On December 10, 2015, Ms. Barenklau signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in which she acknowledged her opioid abuse.

e. Ms. Barenklau relapsed on hydrocodone (C-II) in January 2016.

f. On February 11, 2016, Ms. Barenklau submitted to a drug screen that was positive for ethanol/EtG/EtS. Further, Ms. Barenklau admitted to her HPMP case manager that she had been drinking alcohol.

g. On March 18, 2016, Ms. Barenklau was dismissed from the HPMP for non-compliance including her continued use of alcohol and her failure to comply with the toxicology screening program.

6. Ms. Barenklau submitted a letter of resignation to the HPMP on March 8, 2016. At the informal conference, she stated that she chose to submit her resignation due to finances and the lack of safe 12-Step meetings available in her geographic area.

7. At the informal conference, Ms. Barenklau was extremely remorseful, and she took responsibility for her actions.

8. Ms. Barenklau stated that she is not currently working in nursing, and she is uncertain of her future nursing practice plans.

CONSENT

Heather Darr Barenklau, R.N., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;

3. I acknowledge that I have the following rights, among others: the right to a formal administrative hearing before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;

4. I waive all right to a formal hearing;

5. I admit to the Findings of Fact and Conclusion of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my right to practice professional nursing in the Commonwealth of Virginia.

ORDER


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

1. The Board accepts the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Heather Darr Barenklau's license to practice professional nursing in the Commonwealth of Virginia.
2. The license of Heather Darr Barenklau, R.N. will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Ms. Barenklau seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Barenklau to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Barenklau shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

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.

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

FOR THE BOARD



Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President
Virginia Board of Nursing

ENTERED: 9/20/16


SEEN AND AGREED TO:



Heather Darr Barenklau, R.N.


COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Winchester, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this 2nd day of September, 2016.



Notary Public

My commission expires: 4-30-19

Certified True Copy
By 
Virginia Board of Nursing
Registration No.: 184075

