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**BEFORE THE VIRGINIA BOARD OF NURSING AUG 16 2016**

**IN RE: ROBERTA WHEELER KEITHLEY, R.N.**  
**License Number: 0001-094475**  
**Case Number: 169881**

**VA BD OF NURSING**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Nursing (“Board”) and Roberta Wheeler Keithley, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Keithley’s license to practice professional nursing in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Roberta Wheeler Keithley, R.N. was issued License Number 0001-094475 to practice professional nursing on August 22, 1984, which is scheduled to expire on September 30, 2017. Her primary state of residence is Virginia.
2. Ms. Keithley violated Virginia Code § 54.1-3007(2), (5), (6), and (8) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”) in that during the course of her employment with Martha Jefferson Hospital, Charlottesville, Virginia, in June and July 2012, Ms. Keithley diverted narcotic medication for her personal and unauthorized use, including Percocet (C-II) and lorazepam (C-IV).
3. Ms. Keithley violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to substance abuse and/or mental and/or physical illness. Specifically:
  - a. Ms. Keithley signed a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) on July 25, 2012, and has signed five Recovery Monitoring Contracts.

In her most recent Recovery Monitoring Contract, she acknowledged that her alcohol and/or substance abuse disorder and/or mental illness and/or physical illness may impair her ability to practice her health profession safely.

b. Ms. Keithley was hospitalized for psychiatric treatment at the University of Virginia Hospital, Charlottesville, Virginia, from October 7, 2014, through October 24, 2014, after experiencing depressive symptoms, and again from April 29, 2015, through May 5, 2015, after displaying manic symptoms. She was diagnosed with major depressive disorder.

4. Between September 4, 2012, and February 16, 2015, Ms. Keithley submitted nine dilute urine samples to the toxicology screening program. She also missed calls to the test line on August 19, 2013, and on February 25, 2015.

5. Ms. Keithley was placed on predissmissal status for not attending group therapy and for not attending scheduled psychiatric sessions.

6. The stay of disciplinary action against Ms. Keithley, which had been implemented as a result of her entry into and compliance with the HPMP, was vacated on September 14, 2015.

7. Ms. Keithley is currently compliant with the HPMP, although she remains in predissmissal status. She is not currently approved to work as a professional nurse.

8. Ms. Keithley stated to the investigator for the Department of Health Professions ("DHP") that she currently attends four Caduceus meetings per week and is compliant with her medication, which includes lithium, Wellbutrin, Prozac, propranolol, perphenazine, and melatonin.

### CONSENT

Roberta Wheeler Keithley, 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 an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;

4. I waive all right to an informal conference;

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 shall TAKE NO ACTION at this time, contingent upon Roberta Wheeler Keithley's compliance with the following terms and conditions:

a. Roberta Wheeler Keithley shall continue to comply with all terms and conditions of her Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified in the Contract.

b. Upon receipt of evidence of Roberta Wheeler Keithley's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Roberta Wheeler Keithley'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 Roberta Wheeler Keithley's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Roberta Wheeler Keithley 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.

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

ENTERED: August 30, 2016

SEEN AND AGREED TO:

Roberta Wheeler Keithley  
Roberta Wheeler Keithley, R.N.

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

**Certified True Copy**

By: *[Signature]*  
Virginia Board of Nursing

Roberta Wheeler Keithley

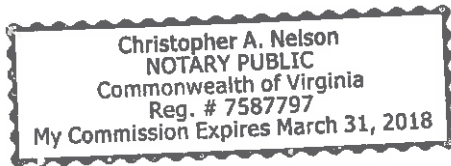
Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this

15th day of AUGUST, 2016.

  
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Notary Public

My commission expires: 03/31/2018

Registration No.: 7587797



Certified True Copy

By M. Paulor  
Virginia Board of Nursing