

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: RACHEL M. KONE, R.N.**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 17, 2010, in Henrico County, Virginia, to inquire into evidence that Rachel M. Kone, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was presented by Wendell Roberts, Adjudication Specialist, Administrative Proceedings Division. Howard Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Rachel M. Kone, R.N., was present and was represented by Andrea Sloan, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Rachel M. Kone, R.N., was issued License Number 0001-172214 to practice as a professional nurse in the Commonwealth of Virginia on July 2, 2001. Said certificate expires on January 31, 2012.
2. In the course of Ms. Kone's employment with the Virginia Department of Health, Loudoun Health District, Leesburg, Virginia;
  - a. On July 21, 2008, Ms. Kone documented in Patient A's record that the patient had a negative urine pregnancy test without any supporting documentation in the Pregnancy Testing Log.

b. On October 3, 2008, Ms. Kone falsely documented receiving a verbal order to dispense Permethrin cream to Patient B. Ms. Kone testified that she agreed to fill the prescription on the request of the patient, verified by an interpreter, and subsequent approval by a senior nurse without the express authorization of the prescriber.

c. On October 23, 2008, Ms. Kone negligently recorded Patient C's last menstrual period as October 27, 2008, four days after the clinic visit.

d. On June 16 and August 12, 2008, Ms. Kone administered Depo-Provera to Patient D, despite the fact that the patient had not received a bone density test as ordered. While Ms. Kone testified that order for a bone density test was unclear, she failed to seek clarification of the order.

e. On August 25, 2008, Ms. Kone negligently documented the administration of Depo-Provera to the wrong patient. The Depo-Provera injection resulted from Ms. Kone failing to ask the appropriate identifying information of the patient.

f. The parties stipulated that on November 14, 2008, Ms. Kone administered Depo-Provera to Patient F, despite an order that she not be administered Depo-Provera until she had a negative urine pregnancy test and two weeks' abstinence from sexual intercourse. Ms. Kone had documented on November 12, 2008, that the patient had last had intercourse on November 9, 2008. Subsequently, the patient was determined to be pregnant and required additional monitoring throughout the pregnancy.

g. On November 14, 2008, Ms. Kone referred Patient G for a colposcopy without an order, incorrectly noting that Patient G's Pap smear was positive for HPV.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Findings of Fact #2a, #2b, #2c, and #2d constitute violations of §54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Findings of Fact #2e, #2f, and #2g constitute violations of §54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.

### **ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Rachel M. Kone, R.N., shall be placed on INDEFINITE PROBATION, subject to the following terms and conditions:
  - a. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After one year of active one year of active employment as a professional nurse, Ms. Kone may request that the Board end this probation.
  - b. Ms. Kone shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Kone shall provide the name and address of each employer to the Board.
  - c. Ms. Kone shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Kone is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
  - d. Performance Evaluations shall be provided, at the direction of Ms. Kone, by all nursing employers, as provided by the Compliance Division. The first evaluation must be received in

the Board office no later than 60 days from the date this Order is entered. Subsequent evaluations must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

e. Ms. Kone shall practice nursing only in a structured /supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse, who works the same shift and who holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Kone shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

f. Ms. Kone shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

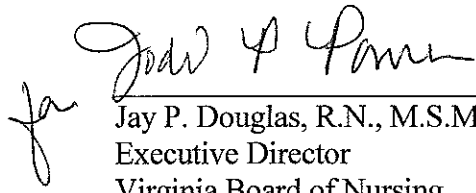
g. Ms. Kone shall return all copies of her license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order along with a payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

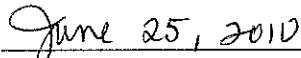
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Kone and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Kone shall be noticed to appear before the Board at such time as the Board is notified that there is a pending investigation or unresolved allegation against Ms. Kone involving a violation of law or regulation or any term or condition of probation or this Order.

3. This Order shall be applicable to Ms. Kone's multi-state licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia.

4. Ms. Kone 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.

FOR THE BOARD

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

  
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ENTERED

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.