

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**STEPHANIE A. KAPALKA, R.N.  
LICENSE NO.: 0001-215282**

**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 March 19, 2012, in Henrico County, Virginia, to inquire into evidence that Stephanie A. Kapalka, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Kapalka was present and was represented by Christopher Leibig, 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. Stephanie A. Kapalka, R.N., was issued License No. 0001-215282 to practice professional nursing in Virginia on September 8, 2008. The license is scheduled to expire on March 31, 2014. Ms. Kapalka's primary state of residence is Virginia.

2. By her own admission, during the course of her employment as a staff nurse with Fairfax Inova Hospital, Falls Church, Virginia, which began in or about September, 2008, Ms. Kapalka diverted un-wasted hospital stock of fentanyl (Schedule II) for her personal and unauthorized use on multiple occasions for approximately one year, and she self-administered the medication at home.

3. On February 27, 2011, Ms. Kapalka suffered an adverse reaction to a self-administration of the diverted fentanyl while at home, and stopped breathing.

4. In a letter to the Board dated April 20, 2011, Harrison House reported that Ms. Kapalka attended a 90-minute intake interview on April 18, 2011, and that it recommended an outpatient treatment program for a period of three to six months. Harrison House further stated that Ms. Kapalka would be required to attend group therapy twice a week and three Alcoholics Anonymous meetings per week. Finally, Harrison House reported that Ms. Kapalka would be subject to random urine screens and alco-sensor tests.

5. Ms. Kapalka's employment with Inova Fairfax Hospital was terminated in March 2011. She has been employed as a phlebotomist since November 2011 and also works part-time with a public affairs firm.

6. Ms. Kapalka's former colleagues testified favorably about her nursing practice on the Trauma ICU, both clinically as well as her work with patient families.

7. Ms. Kapalka continues in treatment for anxiety and depression with a mental health therapist, who testified that she considers Ms. Kapalka to be a low risk for relapse due in part to her participation in outpatient recovery program for substance abuse with the Harrison House and the SMART Recovery program. Her therapist's testimony revealed a lack of coordination between her substance abuse treatment program and her mental health therapy. A June 22, 2011 report from her attending psychiatrist reported her being treated for Acute Adjustment Disorder with Depressed Mood and Dysthymia. Further, Ms. Kapala has been treated for depression "off and on" since high school.

8. Following her diversion, self-administration of fentanyl and overdose, Ms. Kapalka underwent an outpatient evaluation. Ms. Kapalka thereafter completed an intensive outpatient treatment program (IOP) for "addiction to synthetic opiates" at Harrison House on October 28, 2011 that focused on relapse prevention, education and group process. Harrison House reported Ms. Kapalka's desire to continue her ongoing recovery process, notwithstanding Ms. Kapalka's explanation that her diversion and self-administration was due to mental health issues and not due to substance abuse. She testified that she chose not to enter into the Health

Practitioners' Monitoring Program because she believed she would have better results by engaging in a self-directed recovery program and due to her desire to use Flexeril to treat her TMJ condition.

### **CONCLUSION OF LAW**

The Board concludes that Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

### **ORDER**

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

1. License No. 0001-215282 issued to Stephanie A. Kapalka, R.N., to practice professional nursing in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon proof that Ms. Kapalka has entered into a contract with the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with HPMP and the following terms and conditions:

a. Ms. Kapalka shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Kapalka, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Kapalka is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

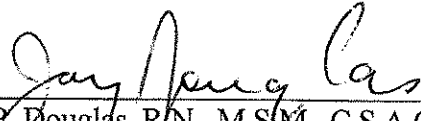
ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

2. Upon receipt of evidence of Ms. Kapalka's participation in and successful completion of the terms specified by the HPMP, the Committee, at its discretion, may waive Ms. Kapalka's appearance before the Committee, and conduct an administrative review of this matter, at which time he/she may be issued an unrestricted license.

3. This Order shall be applicable to Ms. Kapalka's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Kapalka may 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 wishes to work.

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

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

*April 3<sup>RD</sup>, 2012*  
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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.