

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIRSTEN BRAY, R.N. REINSTATEMENT APPLICANT
License No.: 0001-184670

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on February 3, 2014, in Henrico County, Virginia, to receive and act upon Kirsten Bray’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Bray may have violated certain laws and regulations governing professional nursing. Ms. Bray was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kirsten Bray was issued License No. 0001-184670 to practice professional nursing in the Commonwealth of Virginia on April 8, 2003. Said license was suspended by Consent Order entered by the Board on September 17, 2004. The Consent Order was based on findings that Ms. Bray diverted narcotics and equipment from a hospital, and that she was unsafe to practice professional nursing due to substance abuse and mental illness. Ms. Bray holds expired professional nursing licenses in Louisiana, Georgia, Tennessee, and Hawaii. Ms. Bray voluntarily surrendered her professional nursing license in Florida, and her professional nursing license in Pennsylvania was revoked. Her primary state of residence is Pennsylvania.

2. By letter dated January 10, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Bray notifying her that an informal conference would be held on February 3, 2014. The

Notice was sent by certified and first class mail to 3902 City Avenue Adams #620, Philadelphia, Pennsylvania 19131, the address of record on file with the Board of Nursing.

3. Ms. Bray submitted an application for reinstatement of her license to practice professional nursing, which was received by the Board on August 26, 2013.

4. Ms. Bray admitted on October 22, 2013, to a Department of Health Professions investigator that from September 2004 to September 2011, while enrolled in the Virginia Health Practitioners' Monitoring Program ("HPMP" formerly known as the Health Practitioners' Intervention program) and the Florida Intervention Program for Nurses, she self-medicated with marijuana.

5. On November 8, 2013, Ms. Bray's psychiatrist reported that he diagnosed her with mood disorder, not otherwise specified, with a rule out of possible bipolar disorder.

6. The Florida Board of Nursing entered a Final Order on August 7, 2012, that accepted Ms. Bray's voluntary relinquishment of her license to practice professional nursing. This action was based on findings that while she was employed at J.F.K. Medical Center, Atlantis, Florida, in September 2011, a review of her documentation for administering medications for two patients revealed on several occasions she did not document wasting or removing all of the narcotics or benzodiazepines she removed for the patients. Moreover, on several occasions Ms. Bray failed to document her reason for administering the medications, and she administered the medications earlier than authorized by the treating physician. In addition, an audit of Ms. Bray's Pyxis activity discovered that she dispensed narcotics 95% more often than her co-workers. Ms. Bray resigned from J.F.K. Medical Center rather than submit to a drug screen.

7. By Final Adjudication and Order entered January 23, 2006, the Pennsylvania State Board of Nursing revoked Ms. Bray's license to practice professional nursing based on findings that her license to practice professional nursing in Virginia was indefinitely suspended.

8. On October 27, 2004, in the Fairfax County, Virginia, General District Court, Ms. Bray was convicted of petit larceny, a misdemeanor involving moral turpitude.

9. At the informal conference, Ms. Bray stated that her date of sobriety is July 5, 2012. She further stated that her drug of choice is marijuana and Dilaudid (hydromorphone, Schedule II). She reported that her support system includes her family, friends, and her sponsor at Alcoholics Anonymous. Ms. Bray also sees a psychiatrist every three months for medication management. Ms. Bray stated that she wants to have her license to practice professional nursing in Virginia be reinstated because Pennsylvania is requiring her to reinstate her Virginia professional nursing license before reinstating her professional nursing license in that state. Ms. Bray does not plan to practice nursing in Virginia. Ms. Bray voluntarily entered a Monitoring/Treatment Contract with the Pennsylvania Nurse Peer Assistance Program on July 23, 2012, which is scheduled to expire in three years and one day. Ms. Bray has been employed at IMX Medical Management Services, Bala Cynwyd, Pennsylvania since November 2011, where she has received average to above average performance reviews. Ms. Bray reported that she informed her supervisor at IMX that she was at the informal conference, but she did not provide the details.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 4 and 5 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2), (5), (6), (7) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations Governing the Practice of Nursing.
3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(7) of the Code.
4. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(4) of the Code.
5. The Committee concludes that Ms. Bray has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS that the license of Kirsten Bray is hereby REINSTATED, subject to the following terms and conditions:


1. Ms. Bray shall have an evaluation by a mental health/chemical dependency specialist, who is not a current treatment provider for Ms. Bray, satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within 60 days after the date that this Order is entered. Upon receipt of the required information, the Board may request that Ms. Bray reappear before a Special Conference Committee in order to consider the specialist's recommendations and to make a final disposition of the matter.
2. Ms. Bray shall continue to comply with all terms and conditions of the Monitoring/Treatment Contract with the Pennsylvania Nurse Peer Assistance Program for the period specified in the contract. The Pennsylvania Nurse Peer Assistance Program shall send written quarterly progress reports to the Board by the last day of the months of March, June, September and December until Ms. Bray is discharged from the program.
3. Ms. Bray shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and the Pennsylvania Nurse Peer Assistance Program, any court-appointed probation or parole officers, and any consultants designated by the Board.
4. Ms. Bray 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.
5. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation

of the license and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Bray may, not later than 5:00 p.m., on **March 31, 2014**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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.

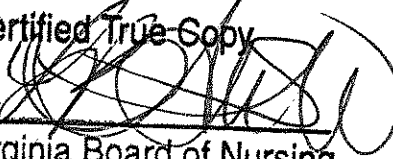
FOR THE COMMITTEE:



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

ENTERED: February 26th, 2014

This Order shall become final on **March 31, 2014**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing