

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JULIE NOWAK, R.N.
License No.: 0001-149171**

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 September 18, 2014, in Henrico County, Virginia, to inquire into evidence that Julie Nowak, R.N., may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on December 5, 2008 ("Board's Order"), and to inquire into evidence that Ms. Nowak may have violated certain laws governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. James E. Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Nowak was present and was not represented by legal counsel. 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. Julie Nowak, R.N., was issued Certificate No. 0001-149171 to practice professional nursing in the Commonwealth of Virginia on July 8, 1996. Said license expires on April 30, 2016. Ms. Nowak's primary state of residence is Virginia.

2. Term No. 1 of the Board's Order entered December 5, 2008, required that no action be taken against Ms. Nowak's license contingent upon entry into the Health Practitioners' Monitoring Program ("HPMP" *formerly the Health Practitioners' Intervention Program*). Ms. Nowak failed to enter the HPMP.

3. During the course of her employment with Riverside Behavioral Health, Hampton, Virginia, supervisors and co-workers noticed that Ms. Nowak's behavior was inconsistent and erratic, that she appeared excessively tired and excessively alert, and that she exhibited pressured speech. In addition, her mental health care provider noted in December 2013 that her mood was labile, her speech was pressured and tangential and she was irritable. Ms. Nowak's diagnoses include mood disorder/NOS and attention deficit disorder.

4. Ms. Nowak stated that she has moved to Tennessee where she has family support. She submitted evidence that she is receiving outpatient counseling. She stated that she attends Alcoholics Anonymous ("AA") meetings three times a week, and attends Caduceus meetings. Ms. Nowak stated that she has an AA sponsor in Virginia, but has not obtained one in Tennessee.

5. Ms. Nowak stated that her date of sobriety is September 11, 2011. Her drug of choice is opiates.

6. Ms. Nowak stated that she is currently taking Adderall (C-II), lisinopril (C-VI) and baclofen (C-VI).

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of Term No. 1 of the Board's Order entered December 5, 2008.
2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

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

1. License No. 0001-149171 issued to Julie Nowak, to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

2. The license of Ms. Nowak will be recorded as SUSPENDED and no longer current. Should Ms. Nowak seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

3. At such time as Ms. Nowak shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.

4. Said suspension shall be STAYED upon proof that Ms. Nowak has entered into a Recovery Monitoring Contract with HPMP or a similar program in Tennessee, and upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:

a. Ms. Nowak 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. Nowak, 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. Nowak 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.

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

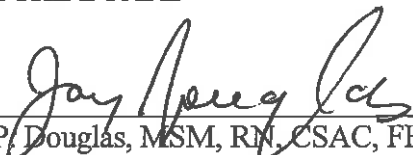
6. This Order shall be applicable to Ms. Nowak's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Nowak may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

7. Ms. Nowak 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.

8. Ms. Nowak is hereby REPRIMANDED.

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



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

October 24th, 2014
ENTERED

Certified True Copy

By 

Virginia Board Of Nursing

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, MSM, RN, CSAC, FRE, 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.