

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JULIE NOWAK, R.N.

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on October 7, 2008, in Henrico County, Virginia. Ms. Nowak was present and was not represented by legal counsel. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Nowak was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Julie Nowak, R.N., was issued License No. 0001-149171 to practice professional nursing in Virginia on July 8, 1996. The license is scheduled to expire on April 30, 2010.
2. By letter dated September 12, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Nowak notifying her that an informal conference would be held on October 7, 2008. The Notice was sent by certified and first class mail to 104 Fawn Court, Smithfield, Virginia 23430, the address of record on file with the Board of Nursing.
3. Between August 25, 2007 and October 31, 2007, Ms. Nowak forged five prescriptions for Percocet (Oxycodone Hydrochloride and acetaminophen, Schedule II), and Vicodin (Hydrocodone

bitartrate and acetaminophen, Schedule III) for her own personal and unauthorized use.

4. Ms. Nowak pled guilty to prescription fraud in the Circuit Court for York County, Virginia, on April 10, 2008, and received a deferred disposition until April 2, 2009. She was placed on supervised probation and required to enter a substance abuse program.

5. Ms. Nowak initially entered the precursor to the Health Practitioners' Intervention Program ("HPIP") in 1998 due to substance abuse and successfully completed the program. She acknowledged a recent relapse and stated that her sobriety date was January 4, 2008. She attends AA, NA, and Caduceus meetings twice a week.

6. Ms. Nowak has been employed at Riverside Behavioral Health since 1997. She is in an intake position that does not have access to narcotics.

CONCLUSIONS OF LAW

Finding of Fact #3 constitutes a violation of § 54.1-3007(2) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION contingent upon the following:
 - a. Julie Nowak, R.N., shall enter into the Health Practitioners' Intervention Program within 90 days of the entry of this Order.
 - b. Thereafter, Ms. Nowak shall comply with the terms and conditions of the HPIP for the period specified by the HPIP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Nowak, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Nowak shall be noticed to appear before the Board at such time as

the Board is notified that:

- a. She has failed to make application to the HPIP;
- b. She is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;
- c. There is a pending investigation or unresolved allegation against Ms. Nowak involving a violation of law or regulation or any term or condition of this Order; or
- d. She has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Nowak's participation in and compliance with the HPIP, the Board, at its discretion, may waive Ms. Nowak's appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Nowak's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Nowak 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 wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

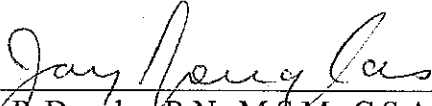
4. Ms. Nowak shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

This Order is subject to appeal to the Board. If Ms. Nowak desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this

Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

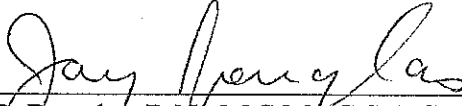


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

Entered: December 5th, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Julie Nowak at 104 Fawn Court, Smithfield, VA 23430.



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

December 5th, 2008
DATE