

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DOUGLAS E. KARLE, L.P.N.
License Number: 0002-089705
Case Number: 174498

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on September 22, 2016, in Henrico County, Virginia, to inquire into evidence that Douglas E. Karle, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Douglas E. Karle, L.P.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated August 19, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Karle notifying him that a formal administrative hearing would be held on September 22, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. Douglas Karle, L.P.N. holds License No. 0002-089705 to practice practical nursing in the Commonwealth of Virginia. At all times relevant hereto, said license was in full force and effect. By Order of the Board (“Board’s Order”) entered February 17, 2016, Mr. Karle’s license was indefinitely suspended, with the suspension stayed contingent upon certain terms and conditions.

The stay of suspension was summarily rescinded on June 28, 2016. Mr. Karle's primary state of residence is Virginia.

2. The Order entered February 17, 2016 was based on findings that Mr. Karle had tested positive for marijuana on a pre-employment drug screen with Golden Living Center, Charlottesville, Virginia and that he considers himself to be an alcoholic.
3. On March 21, 2016, Mr. Karle's Virginia Health Practitioners' Monitoring Program ("HPMP") toxicology screen tested positive for alcohol. Mr. Karle admitted to drinking alcohol the day before.
4. On March 31, 2016, Mr. Karle failed to call the HPMP toxicology screening program line. Mr. Karle stopped calling the toxicology screen line on April 1, 2016.
5. Mr. Karle was dismissed from HPMP on May 20, 2016 due to continued use of alcohol and noncompliance with treatment recommendations.
6. Mr. Karle's stay of suspension was summarily rescinded by the Board on June 28, 2016.
7. Mr. Karle is currently employed as a caddy in the Erie, Pennsylvania area.
8. Mr. Karle testified that he has had many personal hardships in the last two years. He told the Board that he has been attending Alcoholics Anonymous meetings, sometimes multiple times a day. Mr. Karle could not identify his sobriety date but said it was the second week of July 2016. He further testified that he feels like he has changed, and has learned that he likes himself better without alcohol.
9. Mr. Karle told the Board that he has replaced drinking with other activities, including sports.

10. Mr. Karle told the Board that he intended to resign from the HPMP for financial reasons but was dismissed due to his noncompliance. At the hearing, he asked the Board to allow him to rejoin the HPMP.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3-5 constitute a violation of Virginia Code § 54.1-3007(6) and Term No. 5 of the Board's Order.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The license of Douglas E. Karle, L.P.N., to practice practical nursing shall continue on INDEFINITE SUSPENSION.
2. This suspension applies to any multistate privilege to practice practical nursing.
3. Should Douglas E. Karle seek reinstatement of his license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Douglas E. Karle to demonstrate that he is safe and competent to return to the practice of practical nursing. Douglas E. Karle shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.
4. The suspension shall be STAYED upon proof of Douglas E. Karle's re-entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP"). Thereafter, Mr. Karle shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
5. Upon receipt of evidence of Douglas E. Karle's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Douglas E.

Karle's appearance before the Board and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.

6. This Order is applicable to Douglas E. Karle's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Douglas E. Karle 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 he seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

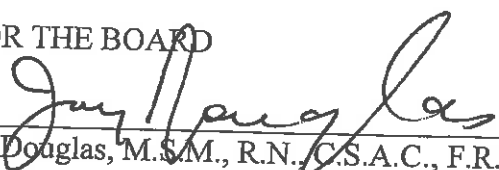
7. Douglas E. Karle shall comply with all laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

8. Failure to comply with the terms and conditions of the stay of suspension shall be reason for summarily rescinding the stay of suspension of the license of Douglas E. Karle and the license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

9. Douglas E. Karle is REPRIMANDED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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 Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

October 12th, 2016

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 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. 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.