

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DOUGLAS KARLE, L.P.N.
License No.: 0002-089705

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 November 10, 2015 in Henrico County, Virginia. Mr. Karle was present and was not by legal counsel. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Karle was present and was not 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. Douglas Karle, L.P.N., was issued License No. 0002-089705 to practice practical nursing in Virginia on September 10, 2013. Said license is set to expire on February 28, 2017. Mr. Karle's primary state of residence is Virginia. Mr. Karle also held a certificate to practice as a certified nurse aide in the Commonwealth of Virginia which expired on June 30, 2014.

2. By letter dated October 13, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Karle notifying him that an informal conference would be held on November 10, 2015. The Notice was sent by certified and first class mail to 153 Deep Step Drive, Ruckersville, Virginia, 22968, the address of record on file with the Board of Nursing.

3. On January 6, 2015, Mr. Karle tested positive for marijuana on a pre-employment drug screen with Golden Living, Charlottesville, Virginia.

4. By his own admission, Mr. Karle has used alcohol over the years to cope with employment related stress and developed depression, for which he has sought treatment.

5. At the informal conference, Mr. Karle admitted that he had trouble with alcohol in the past and he stated that he believed that alcoholism was a life-long condition; Mr. Karle stated that he does consider himself to be an alcoholic. Mr. Karle stated that he has attended AA over the years but he has never had a sponsor, and the last time he attended AA was two weeks prior to the informal conference. Mr. Karle also admitted to smoking marijuana in November or December 2014.

6. Mr. Karle is currently prescribed Zoloft for anxiety by the Greene County Clinic. He stated that he has been a patient there for approximately two years and saw a counselor three times at the beginning of his treatment. Mr. Karle stated that the last time he a physician was over a year ago.

7. On November 2, 2015, Mr. Karle had an intake assessment completed with Region 10, Palmyra, Virginia. Mr. Karle was diagnosed with alcohol use disorder, mild, and generalized anxiety disorder. Mr. Karle was referred to substance abuse outpatient treatment in Fluvanna County.

8. At the informal conference, Mr. Karle stated that he did not feel that the Health Practitioners' Monitoring Program would be appropriate for him. He stated that he felt that the program is better suited for someone with a substance abuse problem. Mr. Karle also stated that he thought that the HPMP would be an unnecessary hardship for him.

9. During the course of his employment with Mountainside Senior Living, Crozet, Virginia, in December 2014:

a. Mr. Karle raised his voice at a resident during a dispute over administered medications. On a separate occasion, with a separate resident, Mr. Karle was overheard saying "I see

you're still alive" to a resident, or words to that effect. At the informal conference, Mr. Karle denied that he raised his voice at the resident but acknowledged that he was talking louder than normal and he stated that the other statement was taken out of context.

b. Mr. Karle made a copy of a resident's medication administration record ("MAR") and removed the record from the facility, without authorization. At the informal conference, Mr. Karle admitted that he made a copy of the MAR, without permission, and accidentally took the document home with him. Mr. Karle stated that he had removed all identifying information from the MAR.

10. On his application for employment with Envoy at the Village, Fork Union, Virginia, dated January 28, 2015, Mr. Karle failed to list Mountainside Senior Living as a previous employer. Mr. Karle's employment with Mountainside Senior Living was terminated on December 12, 2014, after two months of employment.

11. Mr. Karle is currently employed at Envoy at the Village, Fork Union, Virginia. Mr. Karle began employment with Envoy on February 9, 2015. His employer provided a letter of support.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitutes a violation of §54.1-3007(6) of the Code.
2. Finding of Fact No. 9(a) constitutes a violation of §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing ("Regulations").
3. Finding of Fact No. 9(b) constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(m) of the Regulations.
4. Finding of Fact No. 10 constitutes a violation of §54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-089705 of Douglas Karle, L.P.N., is INDEFINITELY SUSPENDED.
2. The license shall be recorded as suspended and no longer current.
3. At such time as Mr. Karle shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of nursing. Mr. Karle shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. This suspension shall be STAYED upon proof of entry into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Mr. Karle 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 Mr. Karle, and an administrative proceeding shall be held to determine whether his license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
 - i. Mr. Karle is not in compliance with the terms and conditions specified by the HPMP;
 - ii. Mr. Karle's participation in the HPMP has been terminated;
 - iii. There is a pending investigation or unresolved allegation against Mr. Karle involving a violation of law, regulation, or any term or condition of this order.
6. Upon receipt of evidence of Mr. Karle's participation and successful completion of

the HPMP, the Board, at its discretion, may waive his appearance before a Committee and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.


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

8. Mr. Karle shall maintain a course of conduct in his capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

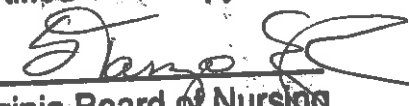
Pursuant to Section 54.1-2400(10) of the Code, Mr. Karle may, not later than 5:00 p.m., on March 21, 2016, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:


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

ENTERED: February 17, 2016

Certified True Copy

By 
Virginia Board of Nursing

This Order shall become final on March 21, 2016, unless a request for a formal administrative hearing is received as described above.