

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

KATHY COLLINS, L.P.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 June 5, 2008, in Henrico County, Virginia. Ms. Collins was not present nor was she represented by legal counsel. Janet Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Collins was not present nor was she represented by legal counsel. Ms. Collins submitted written comments/objections.

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. Kathy Collins was issued License No. 0002-069123 to practice as a practical nurse in Virginia on June 29, 2004. The license is set to expire on April 30, 2010.
2. By letter dated May 1, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Collins notifying her that an informal conference would be held on June 5, 2008. The Notice was sent by certified and first class mail to 122 Williams Road, Marion, Virginia 24354, the address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board. The Agency Subordinate concluded that Ms. Collins received adequate notice and the informal conference proceeded in her absence.

3. By her own admission, on June 5, 2007, during the course of her employment with Francis Marion Manor, Marion, Virginia, Ms. Collins stole 32 Lortab (hydrocodone bitartrate, schedule III) that had been prescribed for Resident A. As a result, her employment was terminated, and she was charged with one felony count of obtaining drugs by false pretenses. Ms. Collins was placed on first offender status by the Circuit Court of Smyth County, Virginia, on January 29, 2008, and her charge will be reduced to a misdemeanor provided that she successfully completes three years of supervised probation.

4. Ms. Collins was convicted of one misdemeanor count of possession of stolen property in the Circuit Court of Smyth County, Virginia, on January 29, 2008.

5. Ms. Collins is unsafe to practice due to her abuse of opiates, as she acknowledged in signing a Participation Contract with the Health Practitioners' Intervention Program on December 11, 2007. Ms. Collins was dismissed from the HPIP on February 15, 2008, after she failed to sign a Recovery Monitoring Contract.

6. On January 10, 2007, during the course of her employment with Edgemont Rehabilitation and Recovery Center, Wytheville, Virginia, Ms. Collins gave a sucker with a plastic stick to Resident B, who was on aspiration precautions. Ms. Collins did not stand next to the resident, who swallowed the sucker. The resident was sent to the emergency room to determine whether he had also swallowed the stick.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.

3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

4. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Board of Nursing Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-069123 of Kathy Collins is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Collins shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of nursing. Ms. Collins 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 nursing.

Since Ms. Collins failed to appear at the informal conference, this Order shall be considered final. Ms. Collins has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Collins has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

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

Entered: August 14th, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Kathy Collins at 122 Williams Road, Marion, Virginia 24354.

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

August 14th, 2008
DATE

Certified True Copy

By Deborah
Virginia Board of Nursing