

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: HEATHER L. PFITZER, 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 March 2, 2011, in Henrico County, Virginia. Heather L. Pfitzer, R.N., was present and was represented by Martin Thomas, Esquire. Janet B. Younger, Ph.D, R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 18, 2011 a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Pfitzer 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. Heather L. Pfitzer, R.N., was issued License No. 0001-179804 to practice professional nursing in Virginia on July 19, 2002. The license is scheduled to expire on February 28, 2013. Her primary state of residence is Virginia.

2. By letter dated December 22, 2010, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Pfitzer notifying her that an informal conference would be held on January 18, 2011. The Notice was sent by certified and first class mail to 454 Cranston Lane, Virginia Beach, Virginia 23452, the address of record on file with the Board of Nursing. On January 5, 2011, the Agency Subordinate granted Ms. Pfitzer's request for a continuance. By letter dated January 31, 2011, the Board

of Nursing notified Ms. Pfitzer's counsel that the Informal Conference was rescheduled for March 2, 2011. The letter was sent by certified and first class mail to Martin A. Thomas, Esq., 109 East Main Street, Suite 200, Post Office Box 3787, Norfolk, Virginia 23514-3878. The letter was also sent to Ms. Pfitzer by certified and first class mail to 454 Cranston Lane, Virginia Beach, Virginia 23452, the address of record on file with the Board of Nursing.

3. During the course of Ms. Pfitzer's employment with Sentara Virginia Beach General Hospital, Virginia Beach, Virginia ("Sentara").

a. As a result of her showing up on the hospital diversion list in February, April and May, 2010, and as a result of an incident which occurred on or about April 19, 2010, regarding her medication management of scheduled drugs and documentation issues, an audit was conducted of her narcotic medication withdrawal and documentation from the period of January 1, 2010, to June 14, 2010. The audit revealed that Ms. Pfitzer had a practice of pulling narcotic medication, wasting it, and immediately pulling more of the medication. Records revealed that Ms. Pfitzer pulled and wasted six times as much medication as other nurses who were also audited, and her withdrawal of hydromorphone was four to five or more standard deviations above the mean for all months audited. A review of 11 patient records revealed medication discrepancies with Ativan (lorazepam, Schedule IV) and Dilaudid (hydromorphone, Schedule II). In many instances, there was no documentation of waste.

b. Over the last year, it was noted that Ms. Fitzer appeared on multiple occasions to be impaired while on duty in that she had slurred speech, walked with a very slow pace, would fall asleep standing up, and would stare off into space with a dazed, blank look on her face.

c. She resigned her employment on June 22, 2010.

4. A review of Ms. Pfitzer's personal treatment records from Sentara from May, 2006, to May, 2010, revealed documentation of over 50 hospital admissions during that time. Most admissions

occurred in the emergency department during the night, sometimes immediately following her shift, for complaints of pain. Regardless of the complaint, Ms. Pfitzer typically received intravenous Dilaudid and other narcotics while in the emergency department. She most often left the emergency department with a prescription for narcotic analgesics. Whenever admitted to the hospital for a few days, Ms. Pfitzer also received IV narcotics and was discharged with one or more prescriptions for narcotic medications.

5. Prescription Monitoring Program reports of Ms. Pfitzer's prescriptions for the period of June 1, 2008, to September 23, 2010, contained a total of 117 prescriptions, 44 of which were opioids.

6. Ms. Pfitzer has diagnoses of depression, anxiety disorder, and insomnia.

7. At the informal conference, Ms. Pfitzer denied diverting medications, but admitted she had become habituated to some of the medications she was prescribed. Ms. Pfitzer reported that she is seeing a psychiatrist and a counselor. Currently, she is prescribed Xanax XR (alprazolam, Schedule IV), tramadol (Schedule VI), Ambien (zolpidem, Schedule IV), and Trazodone. With the help of her psychiatrist, she is weaning herself off of Xanax XR and tramadol. She is no longer taking Ambien, but she is using an over-the-counter medication to help her sleep when necessary.

8. A letter from the Health Practitioners' Monitoring Program ("HPMP") dated February 23, 2011, stated that Ms. Pfitzer signed a Participation Contract on January 27, 2011, and she has currently complied with all recommendations. She is currently unemployed, due to not yet being approved by HPMP to return to practice,

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007 (5) and (6) of the Code of Virginia (1950), as amended ("Code").

2. Findings of Fact Nos. 3(b), 4, 5, and 6 constitute a violation of § 54.1-3007(6) of the

Code.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that it shall TAKE NO ACTION at this time contingent expressly upon Heather L. Pfitzer's compliance with the following terms and conditions:

1. Ms. Pfitzer shall comply with all terms and conditions of the Contract with the HPMP for the period specified in the Contract.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Pfitzer, and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Pfitzer shall be noticed to appear before a Committee at such time as the Board is notified that:

a. Ms. Pfitzer is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP, or

b. There is a pending investigation or unresolved allegations against Ms. Pfitzer involving a violation of law, regulation or any term or condition of this order, or

c. Ms. Pfitzer has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Pfitzer's participation in and compliance with the HPMP, the Committee, at its discretion, may waive Ms. Pfitzer's appearance before the Committee, and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Pfitzer's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Pfitzer 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

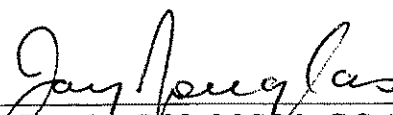
where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Pfitzer 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. Pfitzer 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: May 31ST 2011