

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DIANA KLECAR, R.N.
License No.: 0001-167365

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on March 21, 2016, in Henrico County, Virginia, to inquire into evidence that Diana Klecar, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Emily E. Tatum, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Klecar was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Diana L. Klecar, R.N., was issued License No. 0001-167365 to practice professional nursing in the Commonwealth of Virginia on November 16, 1999. Said license is scheduled to expire on September 30, 2016.
2. Based upon the representations of Emily E. Tatum, Adjudication Specialist, and Commonwealth's Exhibit #1, the Amended Notice of Formal Hearing and Statement of Particulars, Allegation Summary Worksheet and Amended Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with HealthSouth Rehabilitation Hospital of Fredericksburg, Fredericksburg, Virginia:

- a. On September 25, 2014, Ms. Klecar pulled three tablets of oxycodone (C-II) for Patient A at 4:09 a.m., but she failed to document return, wastage or administration of the medication.
- b. During Ms. Klecar's care of Patient B:
 - i. On October 4, 2014, at 4:00 a.m. and at 7:46 p.m. Ms. Klecar pulled four tablets of Dilaudid (hydromorphone, C-II) on each occasion for Patient B, but she failed to document return, wastage, or administration of the medication.
 - ii. On October 7, 2014, at 8:51 p.m., and on October 8, 2014 at 2:52 a.m. Ms. Klecar pulled morphine (C-II) 15mg on each occasion for Patient B, but she failed to document return, wastage, or administration of the medication.
 - iii. On October 4, 2014, Ms. Klecar pulled four tablets of Dilaudid for Patient B at 10:47 p.m., but she did not document administration of the medication until October 5, 2014 at 12:08 a.m. The medication had been administered by another nurse on October 4, 2014 at 9:49 p.m. Dilaudid was ordered to be given four tablets every three hours as needed; therefore, the medication was administered prior to the scheduled time, and Ms. Klecar documented notes about the medication's effectiveness at 12:09 a.m., only one minute after she documented that she administered the medication.
- c. During Ms. Klecar's care of Patient C:
 - i. On October 4, 2014, Ms. Klecar pulled one tablet of Dilaudid and one tablet of Klonopin (clonazepam, C-IV) for Patient C at approximately 7:55 p.m., but she failed to document return, wastage, or administration of either medication. In addition, Klonopin had not been administered to Patient C by any other staff, throughout her approximately eight-day hospital stay.
 - ii. On October 8, 2014, Ms. Klecar pulled one tablet of Dilaudid for Patient C at 1:58 a.m., but the medication was not documented as being administered until 4:03 a.m. The administration of the medication was documented as being completed by another nurse; however, that nurse was not working until 6:20 a.m.

iii. On October 21, 2014, Ms. Klecar documented that she administered one tablet of Dilaudid to Patient C at 8:15 p.m., for wrist pain. However, Patient C reported that she had not taken Dilaudid for the last week due to its side effects and she denied that she was experiencing any wrist pain. Furthermore, Ms. Klecar documented administration of the medication at 8:15 p.m., but she documented that she pulled the medication at 8:35 p.m.

d. On September 25, 2014, Ms. Klecar pulled one tablet of Dilaudid for Patient D at 12:28 a.m., but she documented administration of the medication at 12:10 a.m. Ms. Klecar then pulled the medication again at 4:09 a.m., but failed to document the return, wastage, or administration of the medication.

e. On October 4, 2014, Ms. Klecar pulled one tablet of oxycodone at 1:29 a.m. for Patient F, but she documented that she administered the medication at 1:28 a.m. Later that same morning Ms. Klecar pulled the same medication at 5:39 a.m. and documented that she administered the medication at 5:36 a.m. In addition, Ms. Klecar falsely entered nursing notes for Patient F, in another nurse's name. The nurse that was noted as having completed the notes was not working at the time.

f. On October 8, 2014, Ms. Klecar pulled three tablets of oxycodone for Patient H on two occasions, at 12:59 a.m. and at 1:58 a.m. Ms. Klecar documented administration of the medication at 1:02 a.m. and 2:31 a.m. An L.P.N. working with Ms. Klecar at the time documented administration of the medication again at 4:50 a.m. The medication was ordered to be given three tablets every four hours as needed for pain.

g. On October 21, 2014, Ms. Klecar pulled one tablet of Dilaudid for Patient I at approximately 11:58 p.m., and she later cancelled the removal at approximately 1:09 a.m. on October 22, 2014. However, Ms. Klecar never returned the medication to inventory.

4. In regard to her documentation of medication administration:

a. On October 4, 2014, Ms. Klecar pulled four tablets of Dilaudid for Patient B at 6:05 a.m., but she documented the medication administration at 6:03 a.m.

b. On September 25, 2015, Ms. Klecar documented administration of one tablet of oxycodone to Patient E at 12:32 a.m., but she did not pull the medication until 4:08 a.m.

c. On September 25, 2014, Ms. Klecar documented the administration of two tablets of zolpidem (C-IV) to Patient G at 12:10 a.m., but she did not pull the medication until 12:27 a.m.

5. Ms. Klecar admitted that she frequently pulled medications prior to the scheduled time of administration, and prior to a patient requesting the medication. In addition, Ms. Klecar frequently failed to document and/or perform pre-and/or post-medication administration assessments.

6. Between June 24, 2013 and January 3, 2014, Ms. Klecar received treatment at ARS Pantops Clinic, Charlottesville, Virginia, for opiate withdrawal and dependence, for which she was prescribed Suboxone (buprenorphine and naloxone, C-III). By her own admission, prior to seeking treatment at ARS Pantops Clinic, Ms. Klecar had recently used heroin (C-I). In addition, Ms. Klecar stated that she wanted assistance with her withdrawal from hydrocodone (C-II) and Fioricet (butalbital, acetaminophen and caffeine with codeine, C-III), which she had been taking for many years for treatment of migraines.

7. On January 3, 2014, Ms. Klecar tested positive for morphine on a urine drug screen requested by ARS Pantops Clinic. After January 3, 2014, Ms. Klecar failed to return to treatment at ARS Pantops Clinic.

CONCLUSIONS OF LAW

1. Findings of Fact No. 3(a) through (g) constitute violations of §54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Findings of Fact No. 4(a) through (c) constitute violations of §54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

3. Finding of Fact No. 5 constitutes a violation of §54.1-3007(5) of the Code.
4. Finding of Fact Nos. 6 and 7 constitute a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-167365 issued to Diana Klecar, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than two years.

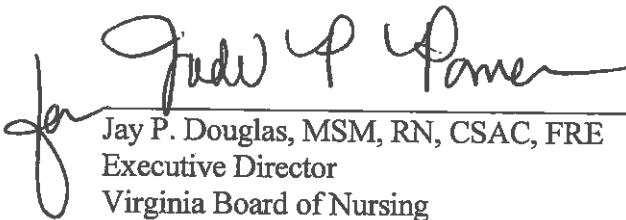
2. The license of Diana Klecar, R.N. will be recorded as SUSPENDED and no longer current. Should Ms. Klecar seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

3. At such time as Ms. Klecar shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.

4. This Order shall be applicable to Ms. Klecar's multistate licensure privileges, if any, to practice professional nursing.


Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD


Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

Certified True Copy

By 
Virginia Board Of Nursing


ENTERED

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 P. Douglas, MSM, RN, CSAC, FRE, 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.