

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIMBERLY VANDERGRIF, R.N.
License No.: 0001-090173

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 January 12, 2016, in Henrico County, Virginia. Kimberly Vandergriff, R.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 23, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Vandergriff was not present nor was she 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. Kimberly Vandergriff, R.N., was issued License No. 0001-090173 to practice professional nursing in Virginia on August 26, 1983. The license is scheduled to expire on August 31, 2017. Her primary state of residence is Virginia.

2. By letter dated December 17, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Vandergriff notifying her that an informal conference would be held on January 12, 2016. The Notice was sent by certified and first class mail to 516 Lark Drive, Atkins, Virginia 24311, the address of record on file with the Board of Nursing. The certified mail receipt was signed on December 22, 2015; the first class mail was not returned to the Board office. The Notice was

also sent to 120 Twilight Drive, Sugar Grove, Virginia 24375, a secondary address. The certified mail receipt was signed on December 29, 2015; the first class mail was not returned to the Board office. On January 8, 2016, the Board received a letter of representation from J. Patton Graham, Esquire, indicating that neither he nor Ms. Vandergriff would be attending the informal conference. The Agency Subordinate concluded that adequate notice was provided to Ms. Vandergriff and the informal conference proceeded in her absence.

3. During the course of her employment at Carrington Place Health and Rehab, Rural Retreat, Virginia, on June 4, 2015, Ms. Vandergriff discovered that a card of 30 hydrocodone (C-II) tablets was missing; however, she failed to report the matter until June 8, 2015.

4. Ms. Vandergriff denied diverting the missing hydrocodone. She was employed from February 3, 2015 to June 10, 2015, when her employment was terminated for performance issues.

5. Ms. Vandergriff was hospitalized from August 27, 2015 to September 3, 2015, for stabilization after presenting with symptoms of anxiety, depression, and psychosis. Her discharge diagnosis was bipolar disorder.

6. The investigator from the Department of Health Professions noted that during the interview on September 9, 2015, Ms. Vandergriff was unable to stay focused, she frequently rambled with rapid speech about information not relevant to the question asked and had to be re-directed throughout the entire interview.

7. In a letter dated October 6, 2015, Ms. Vandergriff's psychiatrist at the Mt. Rogers Community Services Board reported that Ms. Vandergriff is not able to safely practice. She also reported that Ms. Vandergriff's diagnosis was bipolar disorder, most recent episode manic with psychotic features. The psychiatrist has prescribed Risperdal 1mg, Trileptal 300mg, Celexa 20mg and trazodone 100mg. A

review of Ms. Vandergriff's prescription monitoring report noted that from January to August 2015, she received monthly prescriptions for tramadol (C-IV) 50mg, 100 tablets for a 13-day supply.

8. Ms. Vandergriff entered a Participation Contract with the Health Practitioners' Monitoring Program on January 7, 2016, due to alleged oxycodone diversion and her mental health hospitalization. In a letter dated January 8, 2016, J. Patton Graham, Esquire, reported that Ms. Vandergriff was not well enough to make the trip to Richmond due to her mental illness.

CONCLUSIONS OF LAW

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

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-090173 of Kimberly Vandergriff, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Vandergriff 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 professional nursing. Ms. Vandergriff 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 professional nursing.
5. This suspension shall be STAYED upon compliance with a Recovery Monitoring Contract with 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. Ms. Vandergriff 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 Kimberly Vandergriff, R.N., and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Vandergriff is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Vandergriff's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Vandergriff involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Vandergriff's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Vandergriff's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. Vandergriff's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Vandergriff 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.

8. Ms. Vandergriff 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.

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.

Since Ms. Vandergriff failed to appear at the informal conference, this Order shall be considered final. Ms. Vandergriff 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. Vandergriff 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, M.S.M., R.N., C.S.A.C., F.R.E., 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.

FOR THE BOARD

for *Alana Mitchell-Lively*
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: *April 1, 2016*

Certified True Copy

By *Stacy E. [Signature]*
Virginia Board of Nursing