

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KRISTINE DIGGS, R.N.

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on October 17, 2008, in Henrico County, Virginia. Ms. Diggs was present and was represented by Reid H. Ervin, Esquire. Janet B. Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Diggs 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. Kristine Diggs, R.N., was issued License No. 0001-199244 to practice professional nursing in Virginia on December 5, 2005. The license is set to expire on February 28, 2009.
2. By letter dated September 12, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Diggs notifying her that an informal conference would be held on October 17, 2008. The Notice was sent by certified and first class mail to 18 Jean Mar Drive, Poquoson, Virginia 23662, the address of record on file with the Board of Nursing.
3. On the night of January 9-10, 2008, during the course of her employment with Sentara Heart Hospital, Norfolk, Virginia ("Sentara"), Ms. Diggs removed Percocet (oxycodone, schedule II) for two patients and documented administering it, when she had not administered the medication. A

review of Ms. Diggs' medication administration from September, 2007, through January, 2008, showed a pattern of removing Percocet and oxycodone, but failing to document administration, and/or documenting administration to patients for whom she failed to document an appropriate pain assessment.

4. On the morning of January 10, 2008, during the course of her employment with Sentara, Ms. Diggs was very nervous, was speaking quickly, was scratching her arms, and had pinpoint pupils. She submitted to a drug screen on January 14, 2008, that was positive for marijuana.

5. At the informal conference, Ms. Diggs denied substance abuse. She stated that she had communicated with the Health Practitioners' Intervention Program, but was not eligible to participate due to medicinal amphetamine use for her documented narcolepsy condition.

6. The statistical report from a Sentara pharmacy audit indicates that Ms. Diggs had an opioid withdrawal rate that was 3 or more standard deviations above the norm for oxycodone.

7. Ms. Diggs admitted that her documentation at Sentara may have been substandard.

#### **CONCLUSIONS OF LAW**

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

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Kristine Diggs, R.N., shall be placed on INDEFINITE PROBATION for not less than three years of actual nursing practice subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After Ms. Diggs has completed three years of active employment as a professional

nurse, she may request that the Board end this probation.

b. Ms. Diggs shall inform the Board in writing within ten (10) days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Diggs shall provide the name and address of each employer to the Board.

c. Ms. Diggs shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Diggs is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Performance Evaluations shall be provided, at the direction of Ms. Diggs, by all nursing employer(s), as provided by the Compliance Division.

e. Ms. Diggs shall practice nursing only in a structured, supervised employment setting satisfactory to the Board for the first one year after being placed on probation. This employment setting shall provide on-site supervision by a professional nurse who works the same shift, works on the same level of the building, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Diggs shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

f. For the first six months of employment as a professional nurse after being placed on probation, Ms. Diggs shall not administer any Schedule II - V controlled substances, the Schedule VI controlled substance Nubain, or any other controlled substances designated by the Board. For one year thereafter, Ms. Diggs may administer the above medications only under the supervision of a professional nurse.

g. Ms. Diggs shall not use alcohol or any other mood altering chemical, except as

prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten (10) days of the date the medication is prescribed.

h. Ms. Diggs shall be required to have two supervised, unannounced random drug screens a month, from a Board-approved testing entity, which include(s) testing for alcohol and the following drugs of choice: marijuana, opiates. Ms. Diggs shall ensure that the first set of results are received by the Board no later than sixty (60) days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until October, 2011. The Board shall be notified immediately in writing of any positive results or if Ms. Diggs refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

i. Ms. Diggs shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any consultants designated by the Board.

j. Ms. Diggs shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than sixty (60) days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

k. Ms. Diggs shall provide the Board with verification that she has completed the National Council of State Boards of Nursing Course entitled, "Documentation: A Critical Aspect of Client Care" within 60 days of the entry of this Order.

l. Ms. Diggs shall return all copies of her license to practice as a professional nurse to the Board office within ten (10) days of the date of entry of this Order, along with a payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”

m. Ms. Diggs shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

n. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Diggs and an administrative proceeding shall be held to decide whether her license shall be revoked.

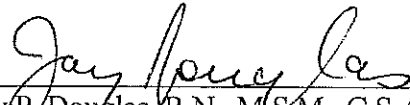
2. This Order is applicable to Ms. Diggs’ multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Diggs shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Diggs wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

This Order is subject to appeal to the Board. If Ms. Diggs 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.

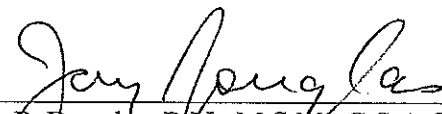
FOR THE BOARD

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

Entered: December 12<sup>th</sup>, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Kristine Diggs at 18 Jean Mar Drive, Poquoson, Virginia 23662, and Reid H. Ervin, Esquire at 1835 Dominion Tower, 999 Waterside Drive, Norfolk, Virginia 23510.

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

December 12<sup>th</sup>, 2008  
DATE

**Certified True Copy**  
By debraham  
Virginia Board of Nursing