

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: KRISTINE DIGGS, R.N.**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on October 22, 2009, in Henrico County, Virginia, to inquire into evidence that Kristine Diggs, R.N., may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on December 12, 2008. Ms. Diggs was present and was not represented by counsel. Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Kristine Diggs, R.N., was issued License No. 0001-199244 to practice professional nursing in the Commonwealth of Virginia on December 5, 2005. Said license expires on February 28, 2011.
2. By Order of the Board entered December 12, 2008 (“Board’s Order”), the Board placed Ms. Diggs on indefinite probation for not less than three years of actual nursing practice, with certain terms and conditions, based on findings that Ms. Diggs made documentation errors and tested positive for marijuana during her employment.
3. Term No. 1(c) of the Board’s Order required Ms. Diggs to inform her nursing employers that the Board placed her on probation and provide each employer with a copy of Board’s Order. Ms. Diggs failed to inform her employer, Maxim Healthcare, Newport News, Virginia, of the probation and she failed to provide them with a copy of the Board’s Order.

4. At the informal conference, Ms. Diggs admitted that she worked from the time the Board's Order was entered until February, 2009. At that time, she spoke with a Board representative who told her that the job was not suitable employment under the Board's Order.

5. Term Nos. 1(g) and (i) of the Board's Order required that should Ms. Diggs be prescribed any Schedule II-V controlled medication, she would have a written report from the prescribing physician submitted to the Board within ten days of the date of the prescription, and that Ms. Diggs execute an Authorization for Disclosure of Information form. Prescription reports were not received for the prescriptions for Adderall (dextroamphetamine and amphetamine, Schedule II) filled on February 4, 2009, March 7, 2009, and April 22, 2009. Further, Ms. Diggs did not complete an Authorization of Disclosure of Information form.

6. Ms. Diggs maintained that she gave prescription report forms to her doctor for submission to the Board, but she admitted that she did not ensure that the Board received them. Ms. Diggs also maintained that she completed two Authorization for Disclosure of Information forms, but admitted that she did not confirm with the Board that they were received.

7. Term No. 1(h) of the Board's Order required Ms. Diggs to have two supervised unannounced random drugs screens a month, to have the first set of results submitted to the Board no later than 60 days from the date the Order was entered and subsequent results to be submitted quarterly until October, 2011. The first set of results was not received by the Board until March 23, 2009, and the reports due March 31 and June 30, 2009, were not received. In addition, the specimen collected on February 26, 2009, was positive for cocaine.

8. Ms. Diggs denied that she knowingly ingested cocaine.

9. Term No. 1(j) of the Board's Order required Ms. Diggs to submit quarterly "self-reports." The report for the period ending March 31, 2009, was not received and the report for the period ending June 30, 2009, was received on June 4, 2009.

10. Ms. Diggs contended that she submitted a "self-report" dated January 27, 2009, for the period ending March 31, 2009, and that she misunderstood the date on which the "self-reports" were due.

11. Term No. 1(k) of the Board's Order required Ms. Diggs to provide the Board with verification that she completed a certain continuing education course within 60 days of the date the Order was entered. A certificate of completion of the course was received by the Board on February 12, 2009.

12. At the informal conference, Ms. Diggs reported that she sent the certificate of completion of the class to the Board via facsimile, but she failed to confirm that the Board received it in a timely manner.

13. Ms. Diggs verbalized that she understood that she must ensure that all documents are received by the Board in a timely manner. She reported that she was unemployed.

### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of Term No. 1(c) of the Board's Order.
2. Finding of Fact No. 5 constitutes violations of Term Nos. 1(g) and (i) of the Board's Order.
3. Finding of Fact No. 7 constitutes a violation of Term No. 1(h) of the Board's Order.
4. Finding of Fact No. 9 constitutes a violation of Term No. 1(j) of the Board's Order.
5. Finding of Fact No. 11 constitutes a violation of Term No. 1(k) of the Board's Order.

### **ORDER**

On the basis of the foregoing, the Committee hereby ORDERS as follows:

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

- a. The period of probation shall continue from the date that this Order is entered and shall

end at such time as Ms. Diggs has completed three years of active employment as a professional nurse. 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 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 testing for alcohol and the following drugs of choice: marijuana, opiates. Ms. Diggs shall ensure that results are received quarterly by the last day of the months of March, June, September and December until the period of probation ends. 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 reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

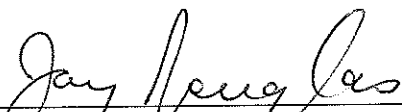
k. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Diggs and an administrative proceeding shall be held to decide whether her license shall be revoked.

2. This order shall be applicable to Ms. Diggs' multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Diggs shall not work outside 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 request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

3. Ms. Diggs 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 §§ 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 COMMITTEE

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

ENTERED: November 23, 2009<sup>RD</sup>

**NOTICE OF RIGHT TO FORMAL HEARING**

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This

Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.