

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KATHRYN RIND, R.N.
License No.: 0001-204664

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 September 23, 2015, in Henrico County, Virginia. Kathryn Rind, R.N., was not present nor was she represented by legal counsel. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Rind 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. Kathryn Rind, R.N., was issued License No. 0001-204664 to practice professional nursing in Virginia on November 20, 2006. The license is scheduled to expire on October 31, 2017. Ms. Rind's primary state of residence is Virginia.

2. By letter dated August 31, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Rind notifying her that an informal conference would be held on September 23, 2015. The Notice was sent by certified and first class mail to 3 Crew House Rising, Hampton, Virginia 23669, the address of record on file with the Board of Nursing. According to the United States Postal Service website, the Notice sent by certified mail was not delivered, but a notice was left on

September 1, 2015. As of September 23, 2015, the Notice sent by first class mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Rind and the informal conference proceeded in her absence.

3. On April 16, 2013, Ms. Rind forged two prescriptions for Percocet (oxycodone, C-II) for her own personal and unauthorized use. Ms. Rind stated to the investigator for the Department of Health Professions (“Investigator”) that she duplicated a prescription for Percocet that her primary care provider had given her and forged the two prescriptions. She stated that the pharmacist became suspicious of the signature on the second prescription and called her physician. Her physician told the pharmacy that he had not written the prescription; therefore the pharmacy called the police. Ms. Rind stated that she was arrested at the pharmacy, and the prescriptions were not filled.

4. Ms. Rind was charged with two counts of attempting to possess Percocet. She was given first offender status and the charges were dismissed on October 14, 2014. She stated that her driver’s license was suspended for six months on each count and that she was required to complete 100 hours of community service. Ms. Rind was ordered to submit to two to three drug screens per week. All of her drug screens were negative.

5. Between March 26, 2013 and April 12, 2013, Ms. Rind obtained 600 dosage units of Percocet from three different pharmacies. Ms. Rind stated to the DHP investigator that her physician wrote all of the prescriptions for Percocet between March 26, 2013, and April 12, 2013, for her pain.

6. Ms. Rind admitted to the DHP investigator that she forged the prescriptions and misused narcotic pain medications. According to Ms. Rind, she took Percocet to medicate the emotional pain she felt following the loss of a friend.

7. On March 20, 2014, Ms. Rind sought mental health treatment at Associates of York and had a mental health evaluation in which she was diagnosed with depression, anxiety and a previous

opiate addiction. She was last seen on April 30, 2014, and at that time her mood was stable and her anxiety was improving. Follow up was recommended in three months, but there is no evidence she continued mental health treatment as recommended.

8. Ms. Rind denied illicit drug and alcohol use and reported she last took narcotics on April 16, 2013, the date of her arrest. According to her Prescription Monitoring Profile, Ms. Rind has not been prescribed any narcotic pain medications since February 26, 2014. Ms. Rind stated to the DHP investigator that she had seen a pain management specialist since May 2013, who does not prescribe narcotic medications. She stated that her medication regimen provides relief for her pain, and further indicated she will not repeat the mistakes of the past. While her pain management specialist referred Ms. Rind to Dominion Psychiatric Associates for substance abuse counseling in 2013, there is no evidence this occurred.

9. On April 20, 2015, Ms. Rind submitted to a urine drug screen at the request of the DHP investigator, which returned a negative result.

10. The administrator for FNI Health Care, Virginia Beach, Virginia, Ms. Rind's current employer since October 2014, was interviewed by the investigator. The administrator stated that Ms. Rind provides skilled home health care and that she has not received any counseling or disciplinary actions, and she remains in good standing. Prior to this, Ms. Rind was employed with Sentara Healthcare from 2006 until May 2014, when her employment was terminated based upon a for-cause urine drug screen positive for the same medication missing from a patient's home and she was not able to provide supporting documentation the medication was prescribed to her.

11. Ms. Rind is not enrolled in the Health Practitioners Monitoring Program, indicating to the DHP Investigator that she did not feel the program was a good fit for her.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended (“Code”) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

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

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-204664 of Kathryn Rind, R.N., to practice professional nursing is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended.

3. At such time as Ms. Rind 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. Rind 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 proof of entry into and compliance with the Health Practitioners’ Monitoring Program 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. Rind 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 Ms. Rind, 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. Rind is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Rind's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Rind involving a violation of law, regulation, or any term or condition of this order.

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

7. This Order is applicable to Ms. Rind's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Rind 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. Rind wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

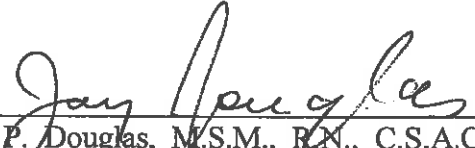
8. Ms. Rind is hereby REPRIMANDED.

9. Ms. Rind 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. Rind failed to appear at the informal conference, this Order shall be considered final. Ms. Rind 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. Rind has 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 days are added to that period.

FOR THE BOARD


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

Entered: February 11th, 2016

Certified True Copy

By 
Virginia Board of Nursing