

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CARRIE L. BERKEL, R.N. REINSTATEMENT APPLICANT
License No.: 0001-241049

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 February 9, 2016, in Henrico County, Virginia, to receive and act upon the application of Carrie L. Berkel for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Berkel may have violated certain laws governing professional nursing practice. Ms. Berkel was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Carrie L. Berkel was issued License No. 0001-241049 to practice professional nursing in the Commonwealth of Virginia on October 9, 2012. Said license was suspended by Order of the Board entered on August 7, 2013. Ms. Berkel also holds an expired license to practice professional nursing in West Virginia. Her primary state of residence is West Virginia.
2. By letter dated January 7, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Berkel notifying her that an informal conference would be held on February 9, 2016. The Notice was sent by certified and first class mail to HC69, Box 1400-5, White Sulphur Springs, West Virginia 24986, the address of record on file with the Board of Nursing.

3. Ms. Berkel submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on August 18, 2015.

4. By Order entered August 7, 2013, Ms. Berkel's license was indefinitely suspended due to findings that she was involuntarily admitted to Lewis Gale Center for Behavioral Health for major depressive disorder.

5. On September 26, 2015, Ms. Berkel entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") and on December 9, 2015, she entered a Recovery Monitoring Contract, wherein she admitted to suffering from a mental illness that impairs her ability to practice safely.

6. Ms. Berkel's HPMP case manager reported that Ms. Berkel is in compliance with her Recovery Monitoring Contract.

7. Ms. Berkel provided documentation from her psychiatrist and psychotherapist at Seneca Health Services, Inc., which indicated that they had no reservations regarding her ability to practice professional nursing at this time.

CONCLUSIONS OF LAW

1. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.
2. The Committee concludes that Carrie L. Berkel has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner, with certain restrictions.

ORDER

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

1. The license of Carrie L. Berkel to practice professional nursing is hereby REINSTATED and she shall be issued a license to practice professional nursing that is valid in Virginia only, contingent upon her continued compliance with the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Carrie L. Berkel, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Berkel shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Berkel is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or


c. Ms. Berkel has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Berkel's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Berkel's appearance before the Board and conduct an administrative review of this matter.

3. Ms. Berkel 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Berkel may, not later than 5:00 p.m., on **March 29, 2016**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:



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

ENTERED: February 25th, 2016

This Order shall become final on **March 29, 2016**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing