

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KATHERINE MAXWELL, R.N.
License No.: 0001-129473**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 27, 2016, in Henrico County, Virginia, to inquire into evidence that Katherine Maxwell, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Maxwell was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Katherine Maxwell, R.N., was issued License No. 0001-129473 to practice professional nursing in the Commonwealth on August 28, 1992. Said license expired on October 31, 2015. Ms. Maxwell's primary state of residence is Virginia.
2. Based upon the representations of Cynthia E. Gaines, Adjudication Specialist, and Commonwealth's Exhibit No.1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During her overnight shift between November 12, 2014, and November 13, 2014, while employed with Augusta Nursing and Rehabilitation Center, Fishersville, Virginia, Ms. Maxwell diverted

oxycodone HCL (C-II) and hydromorphone HCL (C-II) for her own personal and unauthorized use, as evidenced by the following:

- a. Ms. Maxwell documented that she administered oxycodone HCL to Resident A, at 2245, 0245 and 0645. Resident A, who was alert and oriented, denied that he requested or received the medication. On November 13, 2014, at 0800, a urine drug screen was administered to Resident A, which was negative for oxycodone.
- b. Ms. Maxwell documented that she administered hydromorphone HCL to Resident B, at 2300, 0300 and 0700. Resident B, who was alert and oriented, denied that he requested or received the medication. On November 13, 2014, at 0800, a urine drug screen was administered to Resident B, which was negative for hydromorphone.
- c. Ms. Maxwell documented that she administered oxycodone HCL to Resident C, at 2245 and 0400. Resident C, who was alert and oriented, denied that he requested or received the medication. On November 13, 2014, at 0800, a urine drug screen was administered to Resident C, which was negative for oxycodone.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact Nos. 3(a) through 3(c) constitute a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The right of Katherine Maxwell, R.N., to renew License No. 0001-129473 to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

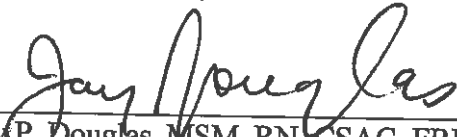
2. The license of Ms. Maxwell will be recorded as SUSPENDED. Should Ms. Maxwell seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license privilege prior to issuance of her license to resume practice.

3. At such time as Ms. Maxwell shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.

4. This Order shall be applicable to Ms. Maxwell's multistate licensure privileges, if any, to practice professional nursing.

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 BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing


ENTERED

Certified True Copy

By 

Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.