

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KELLY SUPPLEE, R.N. REINSTATEMENT APPLICANT
License No.: 0001-175854

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 April 4, 2012, in Henrico County, Virginia, to receive and act upon Kelly Supplee’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Supplee may have violated certain laws and regulations governing nursing practice. Ms. Supplee 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. Kelly Supplee was issued License No. 0001-175854 to practice professional nursing in the Commonwealth of Virginia on September 20, 2001. Said license was suspended by Order of the Board entered on November 16, 2005. Her primary state of residence is Virginia.
2. By letter dated March 7, 2012, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Supplee notifying her that an informal conference would be held on April 4, 2012. The Notice was sent by certified and first class mail to 107 Oak Ridge Court, Williamsburg, Virginia 23188, the address of record on file with the Board of Nursing.
3. Ms. Supplee submitted an application for reinstatement of her license to practice professional nursing, which was received by the Board on October 4, 2011.

4. From January, 2009, to October, 2011, Ms. Supplee was treated for opioid dependence. During that time she was prescribed Suboxone (buprenorphine, Schedule III), and she stated that she intended to take it indefinitely. Ms. Supplee sought treatment for opioid dependence in January, 2009, after she self-medicated with two or three tablets of Percocet (oxycodone, Schedule II), which were prescribed to her husband.

5. On October 28, 2011, Ms. Supplee signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in which she stated that she might suffer from the disease of chemical abuse that may impair her ability to practice professional nursing safely.

6. Ms. Supplee entered into a Recovery Monitoring Contract with the HPMP on January 12, 2012. By letter dated March 30, 2012, her HPMP case manager indicated that she was in full compliance with her Recovery Monitoring Contract.

7. Ms. Supplee stated that she has been attending Alcoholics' Anonymous since 2004. She has a current sponsor and works all the steps but focuses on Step 11, improving consciousness through prayer and meditation. Ms. Supplee further stated that her date of sobriety is December 29, 2003, but recognizes she made a bad decision in 2009 when she self-medicated with her husband's Percocet as stated in Finding of Fact No. 4. Ms. Supplee provided evidence of completing 15 contact hours of continuing education. Ms. Supplee has not practiced as a professional nurse since 2003, and she stated that she needs to take a refresher course in professional nursing to feel safe to practice. Ms. Supplee's primary care provider, who prescribes her Suboxone to aid her in her recovery, stated to the investigator on November 28, 2011, that Ms. Supplee is safe to practice nursing.

CONCLUSIONS OF LAW

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

2. The Committee concludes that Ms. Supplee has otherwise demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

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

1. The license of Kelly Supplee to practice professional nursing in the Commonwealth of Virginia is hereby REINSTATED contingent upon Ms. Supplee's continued compliance with the terms and conditions of the HPMP for the period specified by the HPMP.
2. This order shall be applicable to Ms. Supplee's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Supplee 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. Supplee 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.
4. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Supplee, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Supplee shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

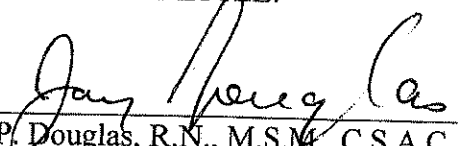
b. There is a pending investigation or unresolved allegation against Ms. Supplee involving a violation of law or regulation or any term or condition of this Order; or

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

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. Supplee may, not later than 5:00 p.m., on May 22, 2012, notify Jay P. Douglas, 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, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: April 19th, 2012

This Order shall become final on **May 22, 2012** unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing