

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KRISTA BUGG WILBURN, R.N.
License No.: 0001-160354

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 November 16, 2015, in Henrico County, Virginia, to inquire into evidence that Krista B. Wilburn, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Wilburn was present and was represented by Charles Sipe, Esquire. 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. Krista B. Wilburn, R.N., was issued License No. 0001-160354 to practice professional nursing in the Commonwealth of Virginia on July 21, 1998. Said license expires on October 31, 2016. Her primary state of residence is Virginia.
2. During the course of her employment with Centra Lynchburg General Hospital, Lynchburg, Virginia, by her own admission, from May 2013 to March 27, 2014, Ms. Wilburn diverted diphenhydramine 50mg/ml (Schedule VI) injectables for her personal and unauthorized use and self-injected the medications. Ms. Wilburn accomplished the diversion by entering patient names to remove the medication and then cancelling some of the transactions.
3. Ms. Wilburn's employment was terminated on March 27, 2014.
4. While on duty at Centra Lynchburg General Hospital, Ms. Wilburn was observed to be unable to

focus, emotional and crying at inappropriate times and speaking in different voices and dialects.

5. Ms. Wilburn acknowledged having a mental decline with bouts of depression; however, she failed to obtain mental health treatment.

6. During the time that Ms. Wilburn was self-injecting the diphenhydramine, she was also taking prescribed morphine, tramadol and tizanidine.

7. Ms. Wilburn submitted documentation that on August 15, 2015, she had a substance abuse evaluation conducted at James River Counseling Center, Lynchburg, Virginia. The evaluator recommended individual therapy to address her depressive symptoms; however, Ms. Wilburn has not followed through with that recommendation. At the hearing, Ms. Wilburn testified that keeping in contact with a friend who is a therapist is sufficient and helpful for her.

8. At the hearing, Ms. Wilburn's attorney stated that Ms. Wilburn did not dispute the allegations in the Statement of Particulars.

9. Ms. Wilburn testified that the diphenhydramine helped her pain. Ms. Wilburn continued on to say that she does not have an addiction or substance abuse problem; she testified that she never took diphenhydramine while on duty or the night before being on duty. She admitted that there is no evidence aside from her statements that she would not relapse back into the diversion of the diphenhydramine, despite her currently being prescribed the same medications she was prescribed at the time of the diversion.

10. Ms. Wilburn testified that she wants to go back to nursing to help people, but has not decided what area she wants to pursue. She is currently under the care of Dr. Holland, whom she sees once every three months for pain management.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes 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.

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

ORDER

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

1. Krista B. Wilburn, R.N., is hereby REPRIMANDED.
2. License No. 0001-160354 issued to Krista B. Wilburn, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.
3. The license of Ms. Wilburn will be recorded as SUSPENDED and no longer current. Should Ms. Wilburn 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 prior to issuance of her license to resume practice.
4. At such time as Ms. Wilburn 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.
5. This Order shall be applicable to Ms. Wilburn's multistate licensure privileges, if any, to practice professional nursing.
6. Said suspension shall be STAYED upon proof that Ms. Wilburn has entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:
 - a. Ms. Wilburn 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 Krista B. Wilburn, R.N., and an

administrative proceeding shall be held to decide 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. Wilburn is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or
- ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

7. Upon receipt of evidence of Ms. Wilburn's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Wilburn's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

8. This Order shall be applicable to Ms. Wilburn's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Wilburn may 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 she wishes to work.

9. Ms. Wilburn 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 BOARD

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

December 4, 2015
ENTERED

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.

Certified True Copy
By *dgraham*
Virginia Board Of Nursing