

Certified True Copy



By David E. Brown
Virginia Board of Nursing

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

November 13, 2015

Robin Kirsten Harvey
2811 Highway 931 South
Whitesburg, KY 41858

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 11/13/15

RE: License No.: 0001-192794

Dear Ms. Harvey:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered November 13, 2015. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

RECEIVED

NOV 16 2015

VA BD OF NURSING

Sincerely,

David E. Brown, D.C., Director
Department of Health Professions

Enclosures
Case # 170311

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: ROBIN KIRSTEN HARVEY, R.N.
License No.: 0001-192794

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Robin Kirsten Harvey, R.N., to practice nursing in the Commonwealth of Kentucky was immediately suspended by an Order of Immediate Temporary Suspension entered October 15, 2015. A certified copy of the Order of Immediate Temporary Suspension is attached to this Order and is marked as Commonwealth's Exhibit No. 1.


WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the privilege of Robin Kirsten Harvey, R.N., to renew her license to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Robin Kirsten Harvey, R.N., will be recorded as suspended and no longer current. Should Ms. Harvey seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.

RECEIVED

NOV 16 2015



David E. Brown, D.C., Director
Department of Health Professions

VA BD OF NURSING

ENTERED: 11/13/15



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Order of Immediate Temporary Suspension entered October 15, 2015, regarding Robin Kirsten Harvey, R.N., is a true copy of the records received from the Commonwealth of Kentucky Board of Nursing.



David E. Brown, D.C.

Date: 10/13/15

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF NURSING
Case No. 2016-0040 (Drugs)**

In The Matter Of: Robin Harvey
RN License No. 1104034
PO Box 115
Roxana, KY 41848

ORDER OF IMMEDIATE TEMPORARY SUSPENSION

Pursuant to KRS 314.085(1), KRS 314.089, and KRS 13B.125, the Kentucky Board of Nursing ("the Board") hereby issues the following Order for the immediate temporary suspension of the license of Robin Harvey ("Respondent") to practice as a Registered Nurse ("RN") in the Commonwealth of Kentucky. Pursuant to the above-cited statutes, the basis for this Order is as follows.

FINDINGS OF FACT

1. Respondent is an RN, first licensed by the Board by examination on June 22, 2004, RN license number 1104034. The Board has jurisdiction in this matter pursuant to KRS Chapter 314.
2. On July 10, 2015, Board staff received a facility complaint (2016-0040) from Mountain Comprehensive Health Corporation ("MCHC"), Whitesburg, Kentucky. The MCHC facility complaint alleges that the Respondent tested positive for Demerol on a urine drug screen administered after a syringe containing Demerol was found in the facility's bathroom, and that Respondent admitted she picked up Demerol at the pharmacy for a patient and took some of the Demerol.
3. On September 9, 2015, Board staff determined that there was reasonable cause to believe that Respondent was unable to practice nursing with reasonable skill and safety.



Pursuant to this determination and KRS 314.085(1), the Board issued an Order for Mental Health/Substance Use Disorder Evaluation ("the Order"), serving same upon Respondent at the address of record pursuant to KRS 314.107 by pre-paid postage, certified U.S. mail and via regular U.S. mail. The certified mail "green card" was signed on September 26, 2015, and the Board received the card on September 30, 2015. Respondent's evaluation was due to be received by the Board on or before October 9, 2015. However, the evaluation has not been received, and the Respondent did not request an extension or otherwise communicate with Board staff regarding this matter.

CONCLUSIONS OF LAW

Based on the above findings of fact, Respondent's conduct constitutes a violation of the Order for Mental Health/Substance Use Disorder Evaluation issued on September 9, 2015, as well as a violation of KRS 314.085.¹ Accordingly, and pursuant to KRS 314.085(1), Respondent is hereby **ORDERED to CEASE AND DESIST** from the practice of nursing in the Commonwealth of Kentucky effective immediately. Any such practice after the date of this Order shall constitute grounds for further disciplinary action. **The Respondent's RN license is immediately suspended on a temporary basis.**

Pursuant to KRS 13B.125(3), the Respondent may request a hearing in regard to this Order. Any such request must be in writing and sent to the attention of the Hearing Officer, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222. Please be advised that, should the order resulting from such a hearing be adverse to the licensee, 201 KAR 20:162 Section 7 provides that the cost of the hearing officer and the cost of the

¹ Board staff expressly asserts that the Respondent's conduct described above may also constitute a violation of KRS 314.091(1). While Board staff has not predicated the immediate temporary suspension of the Respondent's license on alleged violations of KRS 314.091(1), these allegations are expressly reserved and may be raised later.

stenographic services shall be assessed against the licensee. A request for a hearing does not stay the effect of this Order.

Entered this 15th day of October, 2015.



Paula S. Schenk

Paula S. Schenk, MPH, RN
Executive Director
Kentucky Board of Nursing

Certificate of Service

This is to certify that, pursuant to KRS 314.107, a true and correct copy of the foregoing *Order of Immediate Temporary Suspension* was served upon the Respondent by pre-paid postage, certified U.S. mail, return receipt requested, and via regular U.S. mail, on this 15th day of October, 2015.

Robin Harvey
PO Box 115
Roxana, KY 41848

Morgan Ransdell

Morgan G. Ransdell, Prosecuting Attorney
Kentucky Board of Nursing
312 Whittington Parkway, Ste 300
Louisville, Kentucky 40222
(502) 429-3339
Fax: (502) 429-3353
E-mail: morgan.ransdell@ky.gov

*beyond
un/author*