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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TRACEY BOSAK, R.N.
License No.: 0001-141612

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Tracey Bosak, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Bosak's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Tracey Bosak, R.N., was issued License No. 0001-141612 to practice professional nursing by the Virginia Board of Nursing on January 26, 1995. Said license is set to expire on June 30, 2015. Ms. Bosak's primary state of residence is Virginia.
2. During the course of her employment with Mary Washington Hospital, Fredericksburg, Virginia, between July 2010 and August 2010, Ms. Bosak diverted Dilaudid for her own personal and unauthorized use.
3. Ms. Bosak entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on September 15, 2010, and she signed her first Recovery Monitoring Contract on October 18, 2010.
4. Ms. Bosak was granted a Stay of Disciplinary Action on April 1, 2011, in relation to the diversion of Dilaudid from Mary Washington Hospital.
5. On April 18, 2014, Ms. Bosak tested positive for alcohol with a blood alcohol content of 0.049 mg/dl during a random screen required by HPMP.

6. On June 12, 2014, Ms. Bosak's stay of disciplinary action granted in April, 2011, was vacated due to non-compliance with the HPMP's terms.

7. On July 13, 2014, Ms. Bosak signed a new Recovery Monitoring Contract with the HPMP. Ms. Bosak's treatment providers indicate she is doing well and her site monitor at Mary Washington Hospital indicated she is doing a great job and she is an asset to their department.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of §54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 5 constitutes a violation of §54.1-3007(6) of the Code.

CONSENT

Tracey Bosak, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time contingent upon Ms. Bosak's continued compliance with the HPMP and its terms and conditions.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Bosak, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Bosak shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Bosak 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. Bosak involving a violation of law or regulation or any term or condition of this Order; or
 - c. Ms. Bosak has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Bosak's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Bosak's appearance before the Board and conduct an administrative review of this matter.
3. This Order is applicable to Ms. Bosak's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Bosak shall 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 Ms. Bosak wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Bosak 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 upon request.

FOR THE BOARD

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

ENTERED: *December 29, 2014*

SEEN AND AGREED TO:

Tracey Bosak

Tracey Bosak, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Prince William, TO WIT:

Subscribed and sworn to before me, Ladawn M Terry, a Notary Public, this 19 day of December, 2014, By Tracey Bosak.

My commission expires December 31 2018.

Registration Number 7602581.

Ladawn M Terry
NOTARY PUBLIC

LADAWN M. TERRY
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DEC. 31, 2018
COMMISSION # 7602581

Certified True Copy

By _____
Virginia Board of Nursing