

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KELLIE J. WILKINSON, L.P.N.
License No.: 0002-067037

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on June 30, 2015, in Henrico County, Virginia. Kellie J. Wilkinson, L.P.N., was not present nor was she represented by legal counsel. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 16, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Wilkinson Ms. Wilkinson was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Kellie J. Wilkinson, L.P.N., was issued License No. 0002-067037 to practice practical nursing in Virginia on September 4, 2003. The license is scheduled to expire on March 31, 2016. Her primary state of residence is Virginia.

2. By letter dated June 3, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Wilkinson notifying her that an informal conference would be held on June 30, 2015. The Notice was sent by certified and first class mail to 35 Taylor Street, Christiansburg, Virginia 24073, the address of record on file with the Board of Nursing. The certified mail receipt was signed on June 6, 2015. The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate

concluded that adequate notice was provided to Ms. Wilkinson and the informal conference proceeded in her absence.

3. During the course of her employment at Lewis-Gale Physicians, Christiansburg, Virginia, by her own admission, from December 10, 2012 to June 22, 2013, Ms. Wilkinson phoned in and obtained fraudulent prescriptions for Lortab (hydrocodone, C-III) using her name, and the names of family members and friends, for her personal and unauthorized use. Further, Ms. Wilkinson made false entries in her medical records documenting that the physicians authorized the medications.

4. Ms. Wilkinson's employment with Lewis-Gale Physicians was terminated on June 17, 2013, for absenteeism.

5. On October 27, 2014, in the Circuit Court of Montgomery County, Virginia, Ms. Wilkinson was convicted of five counts of obtaining drugs by fraud, a misdemeanor of moral turpitude. She was sentenced to six months in jail, suspended, placed on probation for 12 months and ordered to complete the Virginia Alcohol Safety Action Program ("VASAP") and pay court costs totaling \$1,622.50.

6. On October 9, 2013, Ms. Wilkinson entered into a Participation Contract and on December 16, 2013, she entered a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") wherein she acknowledged that her alcohol and/or substance use disorder and mental illness may impair her ability to safely practice practical nursing. On March 10, 2014, Ms. Wilkinson received a stay of disciplinary action regarding Finding of Fact No. 3. On November 24, 2014, the stay was vacated and on January 26, 2015, Ms. Wilkinson was dismissed from the HPMP for failing to comply with the drug screening program and failing to submit monthly reports.

7. Findings of Fact 7(a)-7(c) contain confidential information which is set out in

Attachment A to this Recommendation.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(4) of the Code.
3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.
4. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-067037 of Kellie J. Wilkinson, L.P.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Wilkinson shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Wilkinson shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. This suspension shall be STAYED upon proof of re-entry into the HPMP pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Wilkinson 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 Kellie J. Wilkinson, L.P.N., and an administrative proceeding shall be held to determine 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. Wilkinson is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Wilkinson's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Wilkinson involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Wilkinson's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Wilkinson's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. Wilkinson's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Wilkinson 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 she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

Pursuant to § 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.

Since Ms. Wilkinson failed to appear at the informal conference, this Order shall be considered final. Ms. Wilkinson has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Wilkinson has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

for Maria Mitchell-Lively

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

Entered: September 29, 2015

Certified True Copy

By *Stacy*
Virginia Board of Nursing