

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

August 24, 2015

Carol Ann Kindvall  
37 Fife Street  
Strafford, VA 22554

CERTIFIED MAIL

DUPLICATE COPY  
VIA FIRST CLASS MAIL

RE: License No.: 0001-142137

DATE 8/24/15

Dear Ms. Kindvall:

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 August 24, 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.

Sincerely,

RECEIVED

AUG 25 2015

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

Enclosures  
Case # 168825

VA BD OF NURSING

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: CAROL ANN KINDVALL, R.N.**  
**License No.: 0001-142137**

**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 privilege of Carol Ann Kindvall, R.N., to practice nursing through the Nurse Licensure Compact in the State of Nebraska was revoked by an Order dated July 22, 2015. A certified copy of the Order 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 license of Carol Ann Kindvall, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Carol Ann Kindvall, R.N., will be recorded as suspended and no longer current. Should Ms. Kindvall 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.



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

ENTERED: 8/24/15



# COMMONWEALTH of VIRGINIA

*Department of Health Professions*

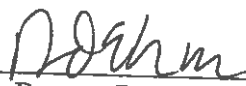
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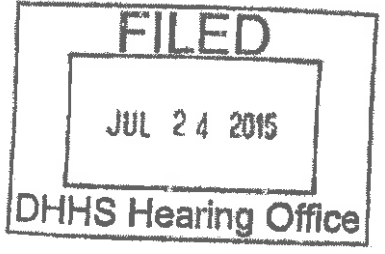
David E. Brown, D.C.  
Director

## CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Order dated July 22, 2015, regarding Carol Ann Kindvall, R.N., is a true copy of the records received from the Nebraska Department of Health and Human Services, Division of Public Health.

  
\_\_\_\_\_  
David E. Brown, D.C.

Date: 8/24/15



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH

STATE OF NEBRASKA ex rel. DOUG PETERSON, Attorney General,	)	
	)	
Plaintiff,	)	151503 RN
	)	
v.	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW;
KINDVALL, CAROL	)	ORDER
	)	
Defendant.	)	

STATEMENT OF THE CASE

An Order for Temporary Suspension and Petition for Adverse Action under the Nurse Licensure Compact was filed in this matter on June 29, 2015, after Defendant diverted and self-administered Propofol while practicing nursing.

SUMMARY OF THE HEARING

This matter came on for hearing before Susan Strohn, Department of Health and Human Services (DHHS) Hearing Officer, on July 13, 2015, in Lincoln, Nebraska. Lisa Anderson, Assistant Attorney General, appeared on behalf of the State of Nebraska. Defendant did not appear. Testimony and exhibits were received into evidence.

FINDINGS OF FACT

1. Proper notice of this hearing was provided to the parties.
2. Defendant holds a Virginia registered nursing license (#0001142137).
3. Nebraska and Virginia are parties to the Nurse Licensure Compact.
4. At all times material herein, Defendant was employed as a registered nurse at Regional West Medical Center in Scottsbluff, Nebraska.
5. On February 25, 2015, Defendant was found unresponsive on the floor of a patient room, with opened packages of needles, empty syringes with attached needles, and syringes filled with Propofol lying next to her. Defendant had fresh puncture wounds on her arm and foot.
6. Defendant submitted to a body fluid test, which was positive for Propofol.

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7. On February 25, 2015, Pyxis machine records revealed that Defendant withdrew Propofol for a patient who did not have a physician order for Propofol.

8. Defendant's employment was terminated following the February 25, 2015 incident.

9. Propofol is a legend drug under the Uniform Controlled Substances Act, Neb. Rev. Stat. §28-1437 (Cum. Supp. 2014), and may not be dispensed without a prescription.

10. On June 29, 2015, Defendant's privilege to practice registered nursing in Nebraska was temporarily suspended.

#### CONCLUSIONS OF LAW

Jurisdiction is based upon Neb. Rev. Stat. §38-176 (Reissue 2008) and §38-186 (Cum. Supp. 2014). The Nurse Licensure Compact authorizes the Department to discipline a multistate licensure privilege to practice in Nebraska. Neb. Rev. Stat. §71-1795 (Reissue 2009). A professional credential may be disciplined for "(2) [i]mmoral or dishonorable conduct evidencing unfitness to practice the profession in this state;...(7) [p]ractice of the profession while the ability to practice is impaired by...drugs, mind-altering substances;...[and] (23) [u]nprofessional conduct as defined in section 38-179." Neb. Rev. Stat. §38-178 (Cum. Supp. 2014). Discipline may include revocation. Neb. Rev. Stat §38-196 (Reissue 2008).

Unprofessional conduct is defined as dispensing a drug "for other than a medically accepted therapeutic purpose;" violating "any federal, state, or municipal law, ordinance, rule, or regulation that pertains to the applicable profession;" diverting "medications...of a patient;" and "committing any act which endangers patient safety or welfare." Neb. Rev. Stat §38-179(11), (13) and (15) (Reissue 2008); 172 NAC 101-007.03(9) and (10). Defendant violated the Uniform Controlled Substances Act by diverting and self-administering Propofol, which evidences Defendant's unfitness to practice in this state. The State proved by clear and convincing evidence that Defendant's conduct was dishonorable, that her ability to practice was impaired by ingesting drugs, and that she engaged in unprofessional conduct, endangering patient safety.

ORDER

Defendant's multistate licensure privilege to practice as a registered nurse in the State of Nebraska is hereby REVOKED, effective on the date of this Order.

DATED this 22<sup>nd</sup> day of July, 2015.



Tom Safranek, M.D.  
Acting Chief Medical Officer  
Division of Public Health  
Department of Health and Human Services

CERTIFICATE OF SERVICE

The undersigned certifies that on the 24<sup>th</sup> day of July, 2015, a copy of the foregoing was sent by United States certified mail, postage prepaid, return receipt requested, and/or electronically to the following:

CAROL KINDVALL  
705 N ELMWOOD APT 307  
SIOUX FALLS SD 57104

LISA ANDERSON  
ASSISTANT ATTORNEY GENERAL  
AGO.HEALTH@NEBRASKA.GOV



DHHS Hearing Office  
P.O. Box 98914  
Lincoln, NE 68509-8914  
(402) 471-7237 Fax (402) 742-2376