

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: KATHLEEN DEWEIN, L.P.N.  
License No.: 0002-056011**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on April 7, 2014, in Henrico County, Virginia, to inquire into evidence that Kathleen Dewein, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. Ms. Dewein was present and was represented by T. Daniel Frith, Esquire.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Kathleen Dewein, L.P.N., was issued License No. 0002-056011 to practice practical nursing in the Commonwealth of Virginia on April 21, 1998. Said license expires on May 31, 2015. Her primary state of residence is West Virginia.
2. By letter dated November 21, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Dewein notifying her that an informal conference would be held on December 16, 2013. The Notice was sent by certified and first class mail to 3336 Hunting Ridge Road, Winchester, Virginia 22603, the address of record on file with the Board of Nursing. Ms. Dewein requested a continuance and the informal conference was rescheduled for April 7, 2014.
3. During the course of her employment with Evergreen Health and Rehabilitation, Winchester, Virginia:

a. On February 16, 2012, Ms. Dewein failed to initiate a tube feeding for a newly admitted patient in accordance with the physician's order.

b. Prior to the above-referenced incident, Ms. Dewein had 11 disciplinary actions for various nursing issues, including failing to follow proper procedure regarding narcotic destruction by destroying medications without a witness and failing to do wound care and treatments as ordered.

4. Ms. Dewein's employment was terminated on February 15, 2012.

5. On February 22, 2012, in the Circuit Court of Frederick County, Virginia, Ms. Dewein was convicted of driving under the influence. She was sentenced to 120 days in jail, suspended, fined \$500.00 with \$250.00 suspended, and ordered to complete the Virginia Alcohol Safety Action Program (VASAP).

6. On October 25, 2012, Ms. Dewein was terminated from Willow Tree Manor, Charles Town, West Virginia, after testing positive for oxycodone on an employment-related drug screen, for which she did not have a valid prescription.

7. Ms. Dewein falsified the application for employment with Willow Tree Manor dated June 19, 2012, by answering "no" to the question, "have you ever been discharged or asked to resign from any previous employment;" however, she was discharged from Golden Living Center – Rose Hill, Berryville, Virginia, in 2009 for testing positive for hydrocodone for which she did not have a valid prescription.

8. At the informal conference, Ms. Dewein reported that she was rehired at Golden Living Center – Rose Hill in November, 2012. She submitted documentation of completion of 14.5 hours of continuing education between February 3, 2013 and April 5, 2014, to address some of her nursing practice issues.

### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(5) of the Code.
3. Findings of Fact Nos. 5 and 6 constitute a violation of § 54.1-3007(6) of the Code.

**ORDER**

On the basis of the foregoing, the Committee hereby ORDERS that Kathleen Dewein, L.P.N., shall be placed on PROBATION for one year of actual nursing practice, subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Dewein has completed one year of active employment as a licensed practical nurse. The license of Kathleen Dewein, L.P.N., shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.
2. Ms. Dewein shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Dewein shall provide the name and address of each employer to the Board.
3. Ms. Dewein shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Dewein is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
4. Performance Evaluations shall be provided, at the direction of Ms. Dewein, by all nursing employers, as provided by the Compliance Division. The first report must be received in the Board office no

later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

5. Ms. Dewein shall practice nursing only in a structured, supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site supervision by a physician, professional nurse or licensed practical nurse, who holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Dewein shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

6. Ms. Dewein shall have an evaluation by a chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 45 days from the date this Order is entered. Ms. Dewein shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Dewein is discharged from therapy. Ms. Dewein shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

7. Ms. Dewein shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

8. Ms. Dewein shall be required to have two supervised, unannounced random drug screens a month from a Board approved testing entity, which includes testing for alcohol and the following drugs of choice: oxycodone and hydrocodone. Ms. Dewein shall ensure that the first set of results are received by the

Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. Dewein refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

9. Ms. Dewein shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

10. Ms. Dewein shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

11. Ms. Dewein shall return all copies of her license to practice as a licensed practical nurse, to the Board office within ten days of the date of entry of this Order, along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”

12. This order shall be applicable to Ms. Dewein’s multistate licensure privilege, if any, to practice practical nursing. For the duration of this Order, Ms. Dewein shall not work outside 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 request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

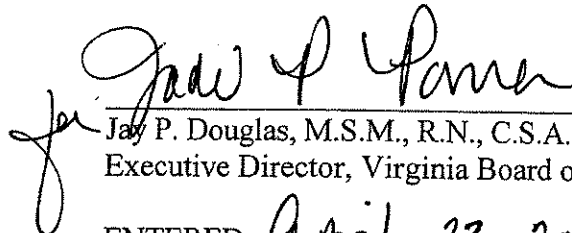
13. Ms. Dewein shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of Nursing.

14. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Kathleen Dewein, L.P.N., and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

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.


Pursuant to Section 54.1-2400(10) of the Code, Ms. Dewein may, not later than 5:00 p.m., on May 26, 2014, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

  
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director, Virginia Board of Nursing  
ENTERED: April 23, 2014

This Order shall become final on May 26, 2014, unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**

By   
Virginia Board of Nursing