

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JENNIFER PINNATA, R.N.

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on October 6, 2009, in Henrico County, Virginia, to inquire into evidence that Jennifer Pinnata, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia.

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

FINDINGS OF FACT

1. Jennifer Pinnata, R.N., was issued License No. 0001-209453 to practice professional nursing by the Virginia Board of Nursing on September 24, 2007. Said license expires on December 31, 2009.
2. During the course of Ms. Pinnata's employment at the Virginia Hospital Center, Arlington, Virginia:
 - a. From September, 2008, through December, 2008, Ms. Pinnata diverted fentanyl (schedule II) from hospital supplies for her own personal use and falsely documented wasting the amounts that she had diverted.
 - b. On December 4, 2008, Ms. Pinnata was observed by her co-worker exhibiting erratic behavior and slurred speech.
 - c. At the informal conference Ms. Pinnata stated that in 2003 she was diagnosed with severe anxiety disorder and later became dependent on Xanax (alprazolam, schedule IV) and Percocet (oxycodone/acetaminophen, schedule II). She further disclosed that in addition to diverting fentanyl, she also diverted

Percocet from her employer. She used the medications while on duty, adulterated her patients' medications and deprived her patients of their medications. Her employment was terminated as a result.

3. Ms. Pinnata reported that her sobriety date was December 22, 2008. She stated at the informal conference that she self-admitted for residential treatment from December 22, 2008, until January 10, 2009, at Pathways Treatment Center in Lynchburg, Virginia. She then attended intensive outpatient treatment at Virginia Hospital Center of Arlington in Arlington, Virginia.

4. Ms. Pinnata is unsafe to practice nursing due to chemical abuse and/or dependence, as evidenced by the following:

a. On January 27, 2009, and February 3, 2009, in interviews with a Department of Health Professions Investigator, Ms. Pinnata acknowledged her dependency on Xanax.

b. On February 9, 2009, Ms. Pinnata signed a Participation Contract with the Virginia Health Practitioners' Monitoring Program (formerly the Health Practitioners' Intervention Program) ("HPMP") in which she acknowledged her chemical abuse and chemical dependence.

c. On March 9, 2009, Ms. Pinnata signed a Recovery Monitoring Contract with HPMP. She later submitted her resignation from the program after missing drug screens, failing to attend group sessions and failing to meet with her therapist, due to financial difficulties. Her resignation was accepted and she was dismissed from HPMP on April 21, 2009. Ms. Pinnata stated at the informal conference that she continued to be financially unable to participate in HPMP, as she was unemployed.

5. At the informal conference, Ms. Pinnata maintained that she was "clean and sober," but admitted that she was not receiving any treatment. She reported that she attended NA/AA meetings every one to two weeks. She stated that she had a better sense of self-awareness and had a self-directed relapse prevention plan.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 (a-b) 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. 4 (a-b) constitutes a violation of §54.1-3007(6) of the Code.

CONSENT

Jennifer Pinnata, 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 a formal fact finding hearing 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 a formal hearing;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact 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 right to renew License No. 0001-209453 of Jennifer Pinnata, R.N., is INDEFINITELY SUSPENDED.
 2. The license will be recorded as suspended and no longer current.
 3. At such time as Ms. Pinnata 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 professional nursing. Ms. Pinnata 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 professional nursing.
- 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

Lynne Cooper
Lynne Cooper
President, Virginia Board of Nursing

ENTERED: January 26th, 2010

SEEN AND AGREED TO:

Jennifer Pinnata
Jennifer Pinnata, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Albemarle, TO WIT:

Subscribed and sworn to before me, Julia Stinnie, a Notary Public, this 11 day of January, ~~2009~~ 2010

My commission expires 5-30-2013

Registration Number 7247944

Julia Stinnie
NOTARY PUBLIC

