

VIRGINIA:

**BEFORE THE BOARD OF NURSING**

IN RE:

**JENNIFER PINNATA, R.N.**

**NOTICE OF HEARING**

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Jennifer Pinnata, R.N., who holds License No. 0001-209453 to practice professional nursing in Virginia, which expires on December 31, 2009, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on January 27, 2010, at 2:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233, at which time Ms. Pinnata will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Pinnata has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Pinnata desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Jennifer Pinnata, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

**STATEMENT OF PARTICULARS**

The Board alleges that:

1. During the course of her employment at the Virginia Hospital Center, Arlington, Virginia:

a. Jennifer Pinnata, R.N., may have violated § 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 in that by her own admission, from September, 2008, through December, 2008, Ms. Pinnata diverted fentanyl (Schedule II) for her personal and unauthorized use and self-injected the drug while on duty. She accomplished the diversion by withdrawing more medication than was ordered, replacing the excess medication with saline and falsely documenting wasting the medication that she had diverted.

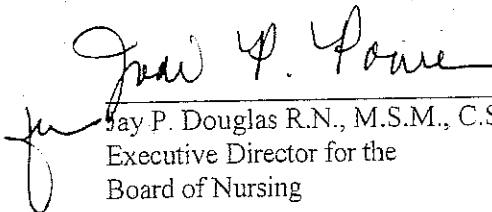
b. Ms. Pinnata may have violated § 54.1-3007(6) of the Code in that on or about December 4, 2008, she was impaired while on duty and was observed by a co-worker exhibiting erratic behavior and slurred speech.

2. Ms. Pinnata may be in violation of § 54.1-3007(6) of the Code in that she may be unsafe to practice professional nursing due to chemical abuse and/or dependence, as evidenced by the following:

a. On or about January 27, 2009, and February 3, 2009, in interviews with a Department of Health Professions Investigator, Ms. Pinnata acknowledged her dependency on Xanax (alprazolam, Schedule IV).

b. On or about February 9, 2009, Ms. Pinnata signed a participation contract with the Virginia Health Practitioners' Monitoring Program (formerly the Health Practitioners' Intervention Program) in which she acknowledged chemical abuse and dependence.

FOR THE BOARD

  
Jay P. Douglas R.N., M.S.M., C.S.A.C.  
Executive Director for the  
Board of Nursing

ENTERED: December 30, 2009