

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**HOLLY A. KENDIG, R.N.
License No.: 0001-230645**

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 March 31, 2015, in Henrico County, Virginia. Ms. Kendig was present and was represented by Carole C. Schriefer, Esquire. Jane Elliott, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 20, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Kendig submitted written comments/objections.

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. Holly A. Kendig, R.N., was issued License No. 0001-230645 to practice professional nursing in Virginia on June 6, 2011. The license is scheduled to expire on August 31, 2015. Ms. Kendig's primary state of residence is Virginia.
2. By letter dated February 9, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Kendig, notifying her that an informal conference would be held on March 31, 2015. The Notice was sent by certified and first class mail to 1021 Purrington Court, Virginia Beach, Virginia 23454, the address of record on file with the Board of Nursing. The Notice was also sent to 748 Goodard Drive, Virginia Beach, Virginia 23454, a secondary address.

3. During the course of her employment with Sentara Virginia Beach Hospital, Virginia Beach, Virginia, by her own admission, between February 23, 2014 and May 18, 2014, Ms. Kendig diverted controlled medications, including morphine (C-II), hydromorphone (C-II), dilaudid (C-II), oxycodone (C-II), and lorazepam (C-IV), for her unauthorized and personal use. Ms. Kendig accomplished this diversion by double pulling narcotic medications, administering the patient's dose, and then diverting the remainder. Further, she falsified records by not documenting the withdrawal, administration, or wastage of narcotic medications or by documenting the wrong times and dosages for withdrawal, administration, or wastage of narcotic medications in order to hide her diversion.
4. As a result of this diversion, Ms. Kendig's employment with Sentara Virginia Beach Hospital was terminated effective May 21, 2014.
5. During her employment with Maxim Healthcare Services, Virginia Beach, Virginia, while assigned to Mary Immaculate Hospital, Newport News, Virginia, by her own admission, on December 12, 2014, Ms. Kendig diverted controlled medications, including lorazepam (C-IV) and morphine, for her own personal and unauthorized use. She accomplished this diversion by double pulling narcotic medications, administering the patient's dose, and then diverting the remainder.
6. On December 12, 2014, during the course of her employment with Mary Immaculate Hospital, Ms. Kendig submitted to a for-cause urine drug screen that was positive for amphetamines, marijuana metabolites, morphine, and hydromorphone. She only had a current prescription for Adderall (amphetamine/ dextroamphetamine, C-II).
7. Ms. Kendig's contract with Mary Immaculate Hospital was terminated in December 2014 and her employment with Maxim Healthcare Services was terminated on January 7, 2015.
8. There was no evidence of patient harm or impairment resulting from Ms. Kendig's diversion. At the informal conference, Ms. Kendig said she did not use narcotics while on duty. Ms.

Kendig said she would clock out at the end of her shift and then inject before leaving. Ms. Kendig also stated that she took the narcotics home to use “once or twice.”

9. Ms. Kendig enrolled in the Health Practitioners’ Monitoring Program (HPMP) on January 1, 2015. She has attended orientation and signed a Recovery Monitoring Contract on March 30, 2015.

10. At the informal conference Ms. Kendig stated that her sobriety date was sometime in early December 2014. Ms. Kendig underwent a substance abuse evaluation at New Life Substance Abuse and Behavioral Consultants, Virginia Beach, Virginia (“New Life”), on January 13, 2015, which resulted in diagnoses for opioid dependency and polysubstance dependency. She began outpatient substance abuse treatment at New Life on January 21, 2015. At New Life, Ms. Kendig attends group meetings twice a week and one individual counseling session a week. She submits to monitored random drug tests one to four times a week. Her drug screens have been negative since January 14, 2015. Ms. Kendig also attends NA or AA meetings three times a week, and she is scheduled to attend Caduceus meetings twice a month.

11. Ms. Kendig currently works at a restaurant in Virginia Beach. Her managers are aware that she is in recovery.

12. At the informal conference, Ms. Kendig stated that there were no criminal charges brought against her as a result of her diversion.

CONCLUSIONS OF LAW

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

3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. The Board shall TAKE NO ACTION contingent on Ms. Kendig's continued compliance with the Health Practitioners' Monitoring Program ("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.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Kendig, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Kendig shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Kendig is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against Ms. Kendig involving a violation of law or regulation or any term or condition of this Order; or
 - c. Ms. Kendig has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Kendig's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Kendig's appearance before the Board and conduct an administrative review of this matter.
3. This Order is applicable to Ms. Kendig's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Kendig 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 Ms. Kendig wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Kendig shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Kendig may, not later than 5:00 p.m., on **July 13, 2015**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/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 BOARD:


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

ENTERED: June 10, 2015

This Order shall become final on **July 13, 2015**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By: 
Virginia Board of Nursing