



3. During the course of her employment with Sentara Norfolk General Hospital, Norfolk, Virginia, by her own admission, Ms. Holt diverted morphine (Schedule II), Nubain (nalbuphine) and Stadol (butorphonal – Schedule II) for her personal and unauthorized use on at least a weekly basis from late summer 2009 until February 2010, and altered patient records to conceal the diversion. There were no signs of impairment or use on duty during Ms. Holt's employment.

4. Ms. Holt's six-year-long employment with Sentara Norfolk General Hospital was terminated as a result of the diversion. As of the date of the informal conference, no criminal charges had been filed against Ms. Holt as a result of the diversion.

5. Ms. Holt, who had previously successfully completed the Health Practitioners' Monitoring Program ("HPMP") in 2008, admitted that she had not received any counseling or substance abuse treatment since completing participation in the HPMP. She stated that she relapsed following the completion of HPMP due to difficult personal circumstances. She stated she was having trouble sleeping, which led her to divert the medication as stated in Finding of Fact No. 3.

6. Ms. Holt re-entered the HPMP by signing a Participation Contract with HPMP on March 16, 2010. She is currently in full compliance with her Recovery Monitoring Contract, which she signed on July 12, 2010. Ms. Holt is not currently employed in the health care profession or practicing nursing. On September 24, 2010, the HPMP issued a compliance report regarding Ms. Holt stating that "HPMP has determined client is safe to return to practice."

7. Ms. Holt has been attending addiction recovery support group meetings for the last seven months. She has been participating in intensive outpatient treatment in a facility in Hampton Roads.

8. Ms. Holt is currently employed as a waitress. She stated that at the informal conference that the personal life circumstances that led to her abusing and diverting medication no longer exist. Ms. Holt stated at the informal conference that her longest period of sobriety was four years. Her current date

of sobriety is March 2, 2010.

### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.
2. Findings of Fact Nos. 5, 6 and 7 constitute a violation of § 54.1-3007(6) of the Code.

### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

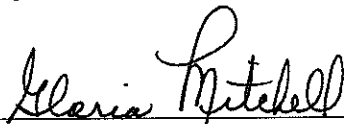
1. The Board shall TAKE NO ACTION contingent on Kimberley B. H. Holt, R.N.'s continued compliance with the terms and conditions set forth by the HPMP for the period of time specified by the HPMP.
2. This Order is applicable to Ms. Holt's multistate licensure privileges, if any, to practice Ms. Holt in the Commonwealth of Virginia. For the duration of this Order, Ms. Holt 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. Holt wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
3. Ms. Holt 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.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Holt and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked. Upon receipt of information that Ms.

Holt has successfully completed the HPMP, the Board, at its discretion, may waive Ms. Holt's appearance before the Board and conduct an administrative review of this matter.

This Order is subject to appeal to the Board. If Ms. Holt desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD

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

Entered: February 3, 2011