VIRGINIA:

# BEFORE THE BOARD OF NURSING

IN RE:

# KIRSTEN BRAY, R.N.

### CONSENT ORDER

The Virginia Board of Nursing, and Kirsten Bray, R.N., with her consent as evidenced by her signature below, enter into the following Consent Order affecting Ms. Bray's license to practice nursing in the Commonwealth of Virginia.

# FINDINGS OF FACT and CONCLUSIONS OF LAW

- 1. Kirsten Bray, R.N., holds License No. 0001-184670 issued by the Virginia Board of Nursing. Said license was summarily suspended on August 9, 2004.
- 2. Ms. Bray violated § 54.1-3007(2), (5) and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations, in that, on or about July 27, 2004, without authorization she entered an operating room at Inova Mount Vernon Hospital, Alexandria, Virginia, and obtained two butterfly catheters, one attached to a 5cc syringe for her own personal and unauthorized use. Ms. Bray entered the hospital wearing surgical scrubs and an identity card from Milestone Staffing Services, a nursing agency and a former employer. She was arrested and charged with one count of burglary, petit larceny and possession of paraphernalia. Ms. Bray subsequently admitted to the Fairfax County Police Department that she took the items, including the scrubs, from the hospital. At the time of this incident, neither the hospital nor the agency employed Ms. Bray.
- 3. Ms. Bray violated § 54.1-3007(2), (5) and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations, in that, she admitted to her treating psychologist that, on or about May 17 and 18, 2004, she entered Inova Alexandria Hospital (a former employer) on two occasions and obtained drugs from the sharps boxes for her own personal and unauthorized use.

- 4. Ms. Bray violated § 54.1-3007(2), (5) and (6) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations, in that, during the course of her employment at Inova Alexandria Hospital, Alexandria, Virginia, by her own admission, on or about March 9, 2004, she obtained Sublimaze (fentanyl), a Schedule II controlled substance, from a sharps box, and intravenously self-administered the drug while on duty in the Neonatal Intensive Care Unit. Ms. Bray submitted to a urine drug screen, which revealed positive results for marijuana, morphine and midazolam. Ms. Bray's employment was suspended, and she was instructed not to return to the hospital. Ms. Bray re-entered the hospital on or about March 10, 2004, at 3:37 a.m., and at 4:28 a.m. Ms. Bray attempted to enter the hospital through the emergency room on or about March 15, 2004, at 12:22 a.m., but was denied access, and escorted from the premises. On or about March 16, 2004, Ms. Bray's employment was terminated after she was informed that she had been observed entering the hospital after her employment was suspended.
- 5. Ms. Bray violated § 54.1-3007(5) and (6) of the Code, in that, during the course of her employment at Progressive Nursing Staffers, Springfield, Virginia:
- a. On or about December 2, 2003, Prince William Hospital requested that Ms. Bray not return to the facility, complaining that she had a "flat affect", was "acting oddly" and that her speech was slurred. Ms. Bray resigned voluntarily in lieu of termination after this incident.
- b. On or about July 22, 2003, Inova Fairfax Hospital requested that Ms. Bray not return to the facility.
- 6. Ms. Bray violated § 54.1-3007(6) of the Code, in that, after entering the Health Practitioners' Intervention Program ("HPIP") on or about March 31, 2004, with a diagnosis of Bi-Polar Disorder and opiate dependency, she was dismissed from HPIP at her own request on June 30, 2004, when she declined to enter residential treatment as recommended for financial reasons.

Ms. Bray violated § 54.1-3007(6) of the Code, in that, she has attempted suicide on at least three occasions in the last three years, with the most recent attempt occurring during her inpatient treatment at the William J. Farley Center, Williamsburg, Virginia, on or about March 20, 2004. She was diagnosed with "major depression, severe, recurrent" and polysubstance dependence (percocet, dilaudid and benzodiazepines) during hospitalization at Riverside Behavioral Health, Hampton, Virginia, subsequent to her most recent suicide attempt.

## **CONSENT**

Kirsten Bray, R.N., by affixing her signature hereon, agrees to the following:

- 1. Ms. Bray acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
- 2. Ms. Bray acknowledges that she is fully aware 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. Ms. Bray acknowledges that she has the following rights among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against her;
- Ms. Bray waives all such right to a formal hearing;
- 5. Ms. Bray admits to the above Findings of Fact;
- 6. Ms. Bray consents to the entry of the following Order affecting her practice as a professional nurse in the Commonwealth of Virginia.

#### <u>ORDER</u>

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon

entry of this Consent Order, and in lieu of further proceedings, hereby ORDERS that License No.

0001-184670 issued to Kirsten Bray, R.N., be and hereby is INDEFINITELY SUSPENDED. Ms.

Bray may petition the Board for reinstatement of her license to practice professional nursing, at

which time a meeting will be convened to receive evidence satisfactory to the Board that Ms. Bray

is able to resume the safe and competent practice of nursing. At such time as she shall petition the

Board for reinstatement of her license, a hearing will be convened to receive evidence satisfactory to

the Board that she is capable of resuming the safe and competent practice of nursing.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code of Virginia (1950), as amended,

the signed original of this Consent 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.

Upon entry of this Consent Order, the license of Kirsten Bray, R.N., will be recorded as

Suspended and no longer current. Consistent with the terms of this Consent Order, in the event

that Ms. Bray seeks reinstatement of her license, Ms. Bray shall be responsible for any fees that

may be required for the reinstatement and renewal of her license prior to issuance of her license

to resume practice.

FOR THE BOARD

Jay P Douglas, RN, MSM, CSAC

Executive Director

ENTERED: September 17 2004

SEEN AND AGREED TO:

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Kirsten Bray, R.N.
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Alexandria, TO WIT:
Subscribed and sworn to before me, <u>Sarah F Anderson</u> , a Notary Public, this <u>ID</u> day of <u>September</u> , 2004.  My commission expires the <u>10</u> day of <u>August</u> , 2004.
NOTARY PUBLIC

Thy Commission Expires November 30, 2007

Certified True Copy

By 0 9 17 64

Virginia Board of Nursing