



# COMMONWEALTH of VIRGINIA

Robert A. Nebiker  
Director

*Department of Health Professions*  
6603 West Broad Street, 5th Floor  
Richmond, Virginia 23230-1712

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Virginia Board of Nursing  
Jay P. Douglas, RN, MSM, CSAC  
Executive Director

August 11, 2004

Board of Nursing (804) 662-9909  
Nurse Aide Registry (804) 662-7310  
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Kirsten Bray, R.N.  
801 S. 15<sup>th</sup> Street  
Apt. 613  
Arlington, Virginia 22202

**CERTIFIED MAIL**  
71603901984831598176

**RE: Notice of Formal Hearing**  
**September 23, 2004 at 2:00 p.m.**  
**License No.: 0001-184670**

Dear Ms. Bray:

On August 9, 2004, the Virginia Board of Nursing met to consider investigative information indicating that you may have violated certain sections of the Code of Virginia (1950), as amended. Based on the evidence considered, the Board voted to summarily suspend your license to practice as a professional nurse in the Commonwealth of Virginia pending a formal hearing. The Order of Summary Suspension is enclosed.

Also enclosed are a Notice of Hearing and Statement of Particulars. The hearing will be held on September 23, 2004, at 2:00 p.m., at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia.

You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. Should you wish to subpoena witnesses, requests for subpoenas must be made in writing in accordance with the enclosed Instructions for Requesting Subpoenas.

Should you desire not to contest the allegations contained in the Statement of Particulars, the Board has authorized me to offer you a Consent Order for the suspension of your license for an indefinite period of time. At such time as you believe you are able to resume the competent practice of nursing with reasonable skill and safety to patients, you may petition for the reinstatement of your license. If you are willing to accept the Consent Order, you should sign it before a Notary Public and return all five (5) pages to this Office within ten (10) days of receipt and the hearing scheduled for September 23, 2004, will be canceled.

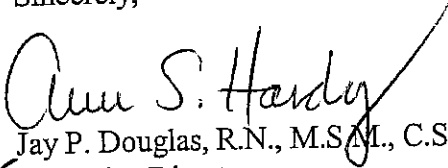
You have the right to information, which will be relied upon by the Board in making a decision. Therefore, I enclosed a copy of the documents, which will be distributed to the members of the Board and will be considered by the Board when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office.**

If you have any questions or objections regarding the content of this package, please contact John K. Dickinson, Senior Adjudication Analyst, at (804) 662-7024. However, if no objections have been raised before **September 7<sup>th</sup>**, these materials will be forwarded to the Board members for their review prior to your hearing and will be considered by the Board as evidence when it deliberates on your case.

Should you have additional materials you would like considered by the Board when it meets, please provide at least ten sets of the materials for review and distribution on or before **September 7<sup>th</sup>**.

Please indicate, by letter to this office no later than **September 17<sup>th</sup>**, your intention to be present for the hearing. We remind you that you have the right to seek legal counsel before making any decisions in this matter. Please contact us if you have any questions.

Sincerely,

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

JPD/jkd/dl  
Enclosures

cc: Robert A. Nebiker, Director, Department of Health Professions  
James L. Banning, Director for Administrative Proceedings  
Wayne Halbleib, Assistant Attorney General  
Pamela Kinchloe, Senior Investigator (96221, 97340)  
Andria P. Christian, Enforcement Division (98217)  
John K. Dickinson, Senior Adjudication Analyst

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIRSTEN BRAY, R.N.

NOTICE OF HEARING

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended, Kirsten Bray, R.N., who holds License No. 0001-184670, which expires August 31, 2004, is hereby given notice that, pursuant to § 2.2-4024(F), a formal administrative hearing will be held in the presence of a panel of the Board of Nursing ("the Board"). The hearing will be held on , at m., at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia, at which time Ms. Bray will be afforded the opportunity to be heard in person or by counsel.

At the hearing Ms. Bray 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. Bray desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia 23230-1712, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon evidence that Ms. Bray may have violated certain laws and regulations governing the practice of professional nurses in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Ms. Bray may be in violation of § 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.

2. Ms. Bray may be in violation of § 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.

3. Ms. Bray may have 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.

4. Ms. Bray may be in violation of § 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.

5. Ms. Bray may be in violation of § 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.

6. Ms. Bray may be in violation of § 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.

FOR THE BOARD

*for* 

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

ENTERED: 