

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIMBERLY HARDEN-LUCK, L.P.N.
License No.: 0002-065138

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on March 26, 2015, in Henrico County, Virginia, to inquire into evidence that Kimberly Harden-Luck, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Harden-Luck was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kimberly Harden-Luck, L.P.N., was issued License No. 0002-065138 to practice practical nursing in the Commonwealth of Virginia by the Virginia Board of Nursing on December 2, 2002. Said license is scheduled to expire on September 30, 2016. Ms. Harden-Luck's primary state of residence is Virginia.
2. Based upon the representations of Mr. Kazzie and Commonwealth's Exhibits #1 and #2, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. By her own admission, during the course of her employment with Sentara Norfolk General Hospital, Norfolk, Virginia, Ms. Harden-Luck diverted narcotic medication for her personal and unauthorized use.

She began diverting the medication in May 2014, and it continued until it was discovered in June 2014, at which time her employment was terminated.

4. Ms. Harden-Luck stated during her interview with the DHP investigator that she had been experiencing high levels of stress related to marriage, housing, children, and transportation issues. She also had back issues and stated that the medication she diverted helped her work with less pain. She stated she did not divert medications in large quantities, but that she did it “one pill or so at a time.” She stated that her practice would be to divert medication that a patient had declined or didn’t need.

5. Sentara discovered the diversion after Ms. Harden-Luck’s supervisor began investigating complaints from other nurses about discrepancies with the narcotics count. An audit conducted with the hospital pharmacy revealed approximately 60 occasions in May and June 2014 during which Ms. Harden-Luck had withdrawn medication for patients but had failed to account for its administration, return or wastage.

6. Ms. Harden-Luck’s employment was terminated.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0002-065138 issued to Kimberly Harden-Luck, L.P.N., to practice practical nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

2. The license of Ms. Harden-Luck will be recorded as SUSPENDED and no longer current. Should Ms. Harden-Luck seek reinstatement of her license consistent with this Order, she shall be

responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

3. At such time as Ms. Harden-Luck shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

4. This Order shall be applicable to Ms. Harden-Luck's multistate licensure privileges, if any, to practice practical nursing.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



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

April 9, 2015
ENTERED

Certified True Copy

By dgraham
Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.