

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KATHLEEN MONGIOVI, R.N.
 License No.: 0001-239899**

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 December 16, 2014 in Henrico County, Virginia. Ms. Mongiovi was present and was represented by Cheryl Tuck, Esquire. Judith Piersall, R.N., B.S.N. serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 25, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Mongiovi was not present nor was she represented by legal counsel.

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. Kathleen Mongiovi, R.N., was issued License No. 0001-239899 to practice professional nursing in Virginia on August 3, 2012. Said license is set to expire on May 31, 2015. Ms. Mongiovi also holds licenses to practice professional nursing in New Jersey, North Carolina and Maryland, all of which are currently expired. Ms. Mongiovi's primary state of residence is Virginia.

2. By letter dated November 17, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Mongiovi notifying her that an informal conference would be held on December 16, 2014. The Notice was sent by certified and first class mail to 15124 Manor Gate Place,

Midlothian, Virginia, 23112, the address of record on file with the Board of Nursing.

3. On July 16, 2014, Ms. Mongiovi was admitted to Chippenham Medical Center, Richmond, Virginia, after she was found unresponsive by the water at Swift Creek Reservoir. Ms. Mongiovi was found with two empty wine bottles beside her at this public park and numerous controlled medications were found locked in her vehicle. At the time of her admission she was diagnosed with an altered mental status, poly-substance overdose, and acute respiratory failure, and a drug screen was positive for benzodiazepines and alcohol. Ms. Mongiovi was intubated for three days following her admission and was hospitalized for twelve days.

4. At the informal conference, Ms. Mongiovi indicated that she remembered being at the water and getting ready to leave when she fell while climbing the hill; however, she did not remember anything else until she woke up days later in the hospital. She admitted she took one Ativan a few hours prior to going to the lake and drank approximately two glasses of wine while at the lake. Ms. Mongiovi indicated the controlled medications found secured in her vehicle were mostly those of family members and they were hidden in her vehicle because one of her children was battling addiction and Ms. Mongiovi and her husband believed she was using again and did not want the medications available in their home. Ms. Mongiovi also indicated that the wine bottles found near her were not hers and she did not know where they came from.

5. By her own admission, Ms. Mongiovi has suffered with depression since at least 1990 but was not officially diagnosed until 1996 while in New Jersey. Ms. Mongiovi stopped receiving treatment for depression because she felt she was better and she moved out of state. While discussing her mental health during the informal conference, Ms. Mongiovi was hesitant to answer questions concerning her history of depression.

6. Ms. Mongiovi does not currently see a therapist due to time constraints with school and

work, and she feels she can manage her depression. She is currently prescribed insulin for her diabetes, synthroid, Cymbalta and diclofenac for joint pain, all of which are prescribed by her primary care physician. She also suffers from asthma. Ms. Mongiovi believes her asthma may account for the respiratory distress in which she was found.

7. Ms. Mongiovi is currently employed as a full-time instructor at John Tyler Community College where she teaches a Medical/Surgical course and she is the course coordinator and lead instructor. She teaches both clinical and theory components of the course. Ms. Mongiovi also attends Old Dominion University's Nurse Practitioner Program, where she is taking 6 credits online and will be taking 8 to 9 credits the upcoming semester with a hybrid-online and clinical component.

8. At the informal conference, her supervisor at John Tyler Community College stated that she has never had any concerns about Ms. Mongiovi being impaired and she has never received any complaints from students or others about Ms. Mongiovi. Her supervisor indicated that Ms. Mongiovi is an excellent nursing instructor.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3 and 5 constitute a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Kathleen Mongiovi, R.N., shall have an evaluation by a mental health/chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within 90 days after the date that this Order is entered. Upon receipt of the required information, the Board may request that Ms. Mongiovi reappear before the Board in order to consider the specialist's recommendations and to make a final disposition of the matter.


2. Ms. Mongiovi 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.

3. 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. Mongiovi and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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. Mongiovi may, not later than 5:00 p.m., on May 4, 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: April 1, 2015

This Order shall become final on May 4, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing