

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KELLEY WENZEL, R.N.
 License No.: 0001-209463**

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 January 29, 2015, in Henrico County, Virginia, to inquire into evidence that Kelley Wenzel, R.N., may have violated certain laws and regulations governing professional 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. Wenzel 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. Kelley Wenzel, R.N., was issued License No. 0001-209463 to practice professional nursing in the Commonwealth of Virginia on September 25, 2007. Said license is scheduled to expire on October 31, 2015. Ms. Wenzel'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. During the course of her employment with Bon Secours St. Mary's Hospital, Richmond, Virginia, on March 7, 2014, Ms. Wenzel reported for work while intoxicated and smelling of alcohol. Her employment was terminated.

4. Ms. Wenzel signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on March 20, 2014, in which she acknowledged she may suffer from disease of alcoholism or chemical dependence.

5. Ms. Wenzel sent HPMP a resignation letter, which HPMP received on May 27, 2014. Thus, on July 18, 2014, she was dismissed from HPMP for noncompliance, including failure to enter and complete treatment as recommended.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violations of § 54.1-3007(5) and (6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

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

1. License No. 0001-209463, issued to Kelley Wenzel, R.N., to practice professional nursing in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED for a period of not less than TWO YEARS.
2. The license of Ms. Wenzel will be recorded as SUSPENDED and no longer current. Should Ms. Wenzel 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.
3. At such time as Ms. Wenzel 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 professional nursing.
4. This Order shall be applicable to Ms. Wenzel's multistate licensure privileges, if any, to practice professional 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

Jolene Mitchell-Lively
for Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

March 4, 2015
ENTERED

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.

Certified True Copy
By *draham*
Virginia Board Of Nursing