

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KAREN M. BANDY, R.N. REINSTATEMENT APPLICANT
License No.: 0001-135941

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on August 28, 2013, in Henrico County, Virginia, to receive and act upon Karen M. Bandy’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Bandy may have violated certain laws and regulations governing nursing practice. Ms. Bandy was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Karen M. Bandy was issued License No. 0001-135941 to practice professional nursing in the Commonwealth of Virginia on December 2, 2003. Said license was suspended by Order of the Board entered on October 1, 2010. She previously held a license to practice professional nursing in the State of California, which is expired. Her primary state of residence is Virginia.
2. By letter dated July 31, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Bandy notifying her that an informal conference would be held on August 28, 2013. The Notice was sent by certified and first class mail to 541 Norman Street, Apt. 3, Petersburg, Virginia 23803, the address of record on file with the Board of Nursing.
3. Ms. Bandy submitted an application for reinstatement of her license to practice professional nursing, which was received by the Board on March 7, 2013.

4. Ms. Bandy has an admitted addiction to benzodiazepines. She signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on May 30, 2013. She resigned from the HPMP and was dismissed on July 19, 2013, due to her failure to enter and complete substance abuse treatment as recommended.

5. Ms. Bandy stated at the informal conference that she resigned from the HPMP due to a conflict between her hours of employment and the meeting times of the Intensive Outpatient Program ("IOP") which HPMP recommended that she attend.

6. In an interview with an investigator for the Department of Health Professions on April 24, 2013, Ms. Bandy denied having an addiction to benzodiazepines. At the informal conference, she stated that she did not see her use of benzodiazepines as an addiction, although she recognized that if the medications were available to her, she would not take them properly. She stated that she learned during a recent substance abuse evaluation that her former pattern of use was a sign of addiction. She also stated that she last took benzodiazepines in 2008.

7. Ms. Bandy is not currently in counseling, nor does she attend any 12-step program meetings.

8. Ms. Bandy expressed a willingness to re-enter the HPMP and stated that she was seeking to adjust her work schedule so that she could attend the IOP as recommended.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(n) of the Regulations Governing the Practice of Nursing.

3. The Board concludes that Ms. Bandy has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

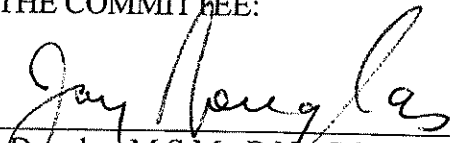
1. The license of Karen M. Bandy is hereby REINSTATED contingent upon Ms. Bandy's re-entry into the Health Practitioners' Monitoring Program. Thereafter, Ms. Bandy shall continue to comply with the terms and conditions of the HPMP for the period specified by the HPMP.
2. Ms. Bandy shall maintain a course 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. This order shall be applicable to Ms. Bandy's multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Ms. Bandy shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.
4. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Bandy, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Bandy shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
 - c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Bandy's participation in and compliance with the HPMP,

the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Bandy may, not later than 5:00 p.m., on **October 15, 2013**, 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 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 COMMITTEE:



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

ENTERED: September 9th, 2013

This Order shall become final on **October 15, 2013**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing