

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JULIANA KIM, R.N.
License No.: 0001-232670**

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 November 12, 2014, in Henrico County, Virginia. Juliana Kim, R.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Kim 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. Juliana Kim, R.N., was issued License No. 0001-232670 to practice professional nursing in Virginia on July 25, 2011. The license is scheduled to expire on December 31, 2016. Ms. Kim's primary state of residence is Virginia.

2. By letter dated October 21, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Kim notifying her that an informal conference would be held on November 12, 2014. The Notice was sent by certified and first class mail to 11517 River Meadows Way, Fredericksburg, Virginia 22408, the address of record on file with the Board of Nursing. The Notice was also sent to 6008 Willow Oaks Drive, Apt. A, Richmond, Virginia 23225, a secondary address.

3. During the course of her employment with Virginia Commonwealth University Health Systems, March and July 2014, by her own admission, Ms. Kim diverted narcotic medications for her own personal and unauthorized use.

4. Ms. Kim stated that she has stage-four scoliosis and lordosis. She stated that one day she came home from work and found a syringe with a small amount of Dilaudid (hydromorphone, C-II) in her pocket. She used the medication and stated it helped her pain.

5. Ms. Kim stated that her drug of choice is Dilaudid and that she last used in July 2014. She stated that she went through withdrawal, and does not take any medication at this time. She currently practices yoga, which eases her back pain.

6. Ms. Kim stated that she was terminated after three years of employment with Virginia Commonwealth University Health Systems.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Ms. Kim is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

ORDER

WHEREFORE, it is hereby ORDERED that the Board shall TAKE NO ACTION contingent on the following conditions:

1. Juliana Kim, R.N., shall enter into the HPMP, pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and shall have proof of entry into a Contract with the HPMP provided to the Board within 90 days of the date this Order is entered.

2. Thereafter, Ms. Kim shall comply with the terms and conditions of the HPMP for the period specified by the HPMP.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Kim, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Kim shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Kim has failed to make application to the HPMP;
- b. Ms. Kim is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against Ms. Kim involving a violation of law or regulation or any term or condition of this Order; or
- d. Ms. Kim has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Kim's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Kim's appearance before the Board and conduct an administrative review of this matter.

4. This Order is applicable to Ms. Kim's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Kim shall not work outside of 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 Ms. Kim wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

5. Ms. Kim 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.

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. Kim may, not later than 5:00 p.m., on March 14, 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 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:

for *Alicia Mitchell-Lively*
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: *February 9, 2015*

This Order shall become final on March 14, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *[Signature]*
Virginia Board of Nursing