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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

VICTORIA HAMSHAR, R.N.

License No.: 0001-213374

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), an informal conference was held before a Special Conference Committee (“Committee”) of the Board of Nursing (“Board”) on December 3, 2012, in Henrico County, Virginia, to inquire into evidence that Victoria Hamshar, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Hamshar was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Victoria Hamshar, R.N., was issued License No. 0001-213374 to practice professional nursing in the Commonwealth of Virginia on June 27, 2008. Said license expires on February 28, 2013. Ms. Hamshar’s primary state of residence is Virginia.
2. By letter dated September 5, 2012, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Hamshar notifying her that an informal conference would be held on October 1, 2012. This matter was continued to December 3, 2012. The Notice was sent by certified and first class mail to 10710 Eden Brook Drive, Spotsylvania, Virginia 22553, the address of record on file with the Board of Nursing.
3. During the course of her employment with University of Virginia Hospital, Charlottesville, Virginia, in 2011, Ms. Hamshar diverted fentanyl (Schedule II) for her personal and unauthorized use 30 to 40 times, which she accomplished by withdrawing medication for patients in excess of the physician’s order and keeping the wastage.

4. On Ms. Hamshar's application for employment with Mary Washington Hospital, Fredericksburg, Virginia, dated October 28, 2011, she falsely stated that she had not knowingly used any narcotics, amphetamines, or barbiturates other than those prescribed to her by a physician.

5. On January 17, 2012, Ms. Hamshar entered into a Participation Contract with the Health Practitioners' Monitoring Program. On July 20, 2012, Ms. Hamshar was dismissed from the HPMP due to noncompliance with her Contract, including failure to enter and complete treatment as recommended and failure to maintain adequate contact with HPMP or respond to voicemail or written correspondence.

6. Ms. Hamshar stated that she is attending an intensive outpatient program, three times per week, at It's a Woman's Place, Fredericksburg, Virginia, which is through the Rappahannock Community Services Board.

7. Ms. Hamshar stated that she is not employed in a nursing position, but works part time at Deep Run Farm, Goldvein, Virginia. Deep Run Farm is a breeding and training facility for Labrador Retrievers.

8. Ms. Hamshar stated that her date of sobriety is November 23, 2011. She has only attended one Alcoholics Anonymous meeting.

9. On October 28, 2012, Ms Hamshar returned a signed Participation Contract to the HPMP. She is scheduled for orientation with the HPMP on January 7, 2013.

10. Ms. Hamshar has charges pending for possession of a controlled substance in the Charlottesville, Virginia, Circuit Court. She is scheduled for a grand jury proceeding on December 17, 2012. Ms. Hamshar stated that her attorney and the prosecutor are working on a plea agreement, in which she will be required to continue treatment in a recovery program for one year, with the possibility of having the charges being dismissed.

CONCLUSIONS OF LAW

1. 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 ("Regulations").

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

3. Finding of Fact No. 5 constitutes a violation § 54.1-3007(6) of the Code

CONSENT

Victoria Hamshar, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0001-213374 of Victoria Hamshar, R.N., to practice professional nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Hamshar shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and

competent practice of professional nursing. Ms. Hamshar shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice professional nursing.

5. This suspension shall be STAYED upon proof of Ms. Hamshar's continued compliance with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Hamshar shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Hamshar, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Hamshar is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Hamshar's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Hamshar involving a violation of law, regulation, or any term or condition of this order.

c. Ms. Hamshar has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Hamshar's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Hamshar's appearance before the Board and conduct an administrative review of this matter.

6. This Order is applicable to Ms. Hamshar's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Hamshar 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. Hamshar wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

7. Ms. Hamshar 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 §§ 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 upon request.

FOR THE BOARD:

Jane Ingalls
~~Patricia M. Selig, R.N., F.N.P., Ph.D.~~ Jane Ingalls, RN, PhD
President, Virginia Board of Nursing

ENTERED: March 28, 2013

SEEN AND AGREED TO:

Victoria Hamshar, RN
Victoria Hamshar, R.N.



COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Fauquier, TO WIT:

Subscribed and sworn to before me [Signature], a Notary Public, this 30th day of January 2013.

My commission expires 10/31/2016

Registration Number 7515123

Certified True Copy

By [Signature]
Virginia Board of Nursing

[Signature]
NOTARY PUBLIC