

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**JENNY R. KUNKLE, R.N.**

**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 October 23, 2009, in Henrico County, Virginia, to inquire into evidence that Jenny R. Kunkle, R.N., may have violated certain terms and conditions imposed on her license to practice professional nursing in Virginia, as set forth in the Order of the Board entered on June 22, 2007. Ms. Kunkle was present and was not represented by counsel. Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Jenny R. Kunkle was issued License No. 0001-153646 to practice professional nursing in the Commonwealth of Virginia. Said license expires on August 31, 2011.
2. Term No. 1 of the Board's Order, required Ms. Kunkle to remain compliant with the terms and conditions of her Health Practitioners' Monitoring Program contract ("HPMP") [*formerly, Health Practitioners' Intervention Program*]. On March 24, 2008, Ms. Kunkle tested positive for nordiazepam, oxazepam, and temazepam (all Schedule IV). When confronted by her HPMP case manager, Ms. Kunkle admitted to the unauthorized use of Percocet, Vicodin, Valium, Belladonna, and Soma, from approximately January 2008, through March 2008. On June 20, 2008, as a result of her relapse and noncompliance with HPMP's recommendation for residential treatment, Ms. Kunkle was dismissed from HPMP.
3. Ms. Kunkle provided evidence of re-entry into the HPMP. Ms. Kunkle entered into a Participation Contract on October 16, 2009.
4. Ms. Kunkle provided evidence of participation in Alcoholics Anonymous. Ms. Kunkle attends three to five meetings a week.

5. Ms. Kunkle stated that she is currently on Step 4. Ms. Kunkle stated that her date of sobriety is March 31, 2008.
6. Ms. Kunkle has remained in an after care program with weekly counseling sessions with Pam Cappetta, Ed.D., L.P.C.
7. Ms. Kunkle provided a letter from her primary care physician stating that she has not requested any narcotic medications.

### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 2 constitutes a violation of Term 1 of the Board's Order entered June 22, 2007.
2. Based on the above Findings of Fact, the Committee concludes that Ms. Kunkle is properly enrolled in the Health Practitioners' Monitoring Program ("HPMP").

### **ORDER**

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

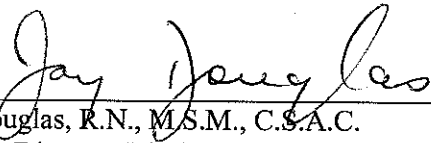
1. Ms. Kunkle is hereby REPRIMANDED.
2. Jenny Kunkle, R.N., shall continue to comply with all terms and conditions of the HPMP for the period specified in the Contract.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Kunkle, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Kunkle shall be noticed to appear before the Board at such time as the Board is notified that:
  - a. Ms. Kunkle 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 Ms. Kunkle involving a violation of law or regulation or any term or condition of this Order; or
  - c. Ms. Kunkle has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Kunkle's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Kunkle's appearance before the Board and conduct an administrative review of this matter.

4. This order shall be applicable to Ms. Kunkle's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Kunkle 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 Ms. Kunkle wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

5. Ms. Kunkle 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 on request.

FOR THE COMMITTEE

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

ENTERED:

November 6<sup>TH</sup> 2009

**NOTICE OF RIGHT TO FORMAL HEARING**

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.