

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DEBRA WALTERS, R.N.

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 December 15, 2008, in Henrico County, Virginia. Ms. Walters was present and was not represented by legal counsel. Nancy K. Durrett, R.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2009, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Walters 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. Debra Walters, R.N., was issued License No. 0001-174290 to practice professional nursing in Virginia on June 12, 2001. The license is set to expire April 30, 2010.
2. By letter dated October 30, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Walters notifying her that an informal conference would be held on December 15, 2008. The Notice was sent by certified and first class mail to 640 Irvin Street, Wytheville, Virginia 24382, the address of record on file with the Board of Nursing.
3. During the course of her assignment at Lewis Gale Medical Center, Salem, Virginia, through Trinity Healthcare Staffing Group:

- a. By her own admission, between September 2007 and May 8, 2008, Ms. Walters diverted morphine, meperidine, oxycodone (all Schedule II) and hydrocodone (Schedule III), for her personal and unauthorized use from drugs that were supposed to be wasted.
  - b. On May 5, 2008, at 1130, 1230 and 1400 hours, Ms. Walters signed out morphine 2mg injectables for Patient A and failed to document administration on the medication administration record (“MAR”).
  - c. On April 23, 2008, at 1315 hours, Ms. Walters signed out two Valium 5mg tablets (diazepam, Schedule IV) for Patient B and failed to document administration on the MAR.
  - d. On March 5, 2008, at 1030 hours, Ms. Walters signed out one Valium 5mg tablet for Patient C and failed to document administration on the MAR. Further, Patient C did not have an order for this medication.
4. During the course of her assignment at Lewis Gale Medical Center, by her own admission, on approximately four occasions in April and May 2008, Ms. Walters diverted hydromorphone and morphine for her personal and unauthorized use from injectable vials, replaced the medication with saline, and then returned the adulterated vials to the narcotic cabinet.
5. On June 3, 2008, Ms. Walters signed a Participation Contract with the Health Practitioners’ Intervention Program (“HPIP”). On December 10, 2008, she signed Recovery Monitoring Contract #2 acknowledging that alcohol and/or substance use disorder and mental illness may impair her ability to safely practice.
6. The HPIP representative stated that Ms. Walters is in compliance and all drug screens have been negative. Ms. Walters has been approved to return to nursing, with certain restrictions, and has received an offer of employment from Wythe County Community Memorial Hospital.
7. Ms. Walters was arrested and charged with obtaining drugs by fraud, based on the

diversion from Lewis Gale Medical Center. On October 17, 2008, in the Circuit Court of Salem County, Virginia, the court found that there was sufficient evidence for a finding of guilt. She was placed on probation with terms to include participation in the HPIP, and her case was taken under advisement until October 2009.

### CONCLUSIONS OF LAW

1. Finding of Fact #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 #4 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (f) of the Regulations.
3. Finding of Fact #5 constitutes a violation of § 54.1-3007(6) of the Code.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-174290 of Debra Walters, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. At such time as Ms. Walters 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. Walters 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.
5. This suspension shall be STAYED contingent upon Ms. Walters’ continued compliance with a Recovery Monitoring Contract with the HPIP, and the following terms and conditions shall apply:

a. Ms. Walters shall comply with all terms and conditions for the period specified by the HPIP.

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. Walters, 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. Walters is not in compliance with the terms and conditions specified by the HPIP;

ii. Ms. Walters' participation in the HPIP has been terminated;

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

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

7. Ms. Walters shall maintain a course of conduct in her capacity as a professional nursing commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

This Order is subject to appeal to the Board. If Ms. Walters desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite

300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD

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

Entered: February 13, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Debra Walters, R.N., at 640 Irvin Street, Wytheville, Virginia 24382 and 1095A Mountain View Drive, Wytheville, Virginia 24382.

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

February 13, 2009  
DATE

**Certified True Copy**

By *dgraham*  
**Virginia Board of Nursing**