

Certified True Copy

By: 
Virginia Board of Nursing



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JUN 22 2016

COMMONWEALTH of VIRGINIA ~~VA~~ BD. OF NURSING

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

June 22, 2016

Christina Marie Garcia, R.N.
1127 Glendale Rd
York, PA 17403

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 6/22/16

RE: License Number: 0001-195893
Case Number: 173598

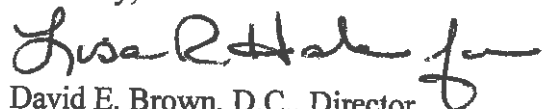
Dear Christina Marie Garcia:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your license to practice professional nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered June 22, 2016. You are hereby advised that, pursuant to Virginia Code § 54.1-2409.1, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

Virginia Code § 54.1-2409 further provides that you may apply to the Board for reinstatement of your license, and that you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. You have the following rights, among others: to be represented by counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing.

The reinstatement application can be found at www.dhp.virginia.gov/Nursing.

Sincerely,


David E. Brown, D.C., Director
Virginia Department of Health Professions

cc: Jay P. Douglas, Executive Director, Board of Nursing
James L. Banning, Director, Administrative Proceedings Division

Enclosures

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: CHRISTINA MARIE GARCIA, R.N.
License Number: 0001-195893
Case Number: 173598

ORDER OF MANDATORY SUSPENSION

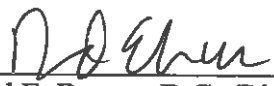
In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Christina Marie Garcia, R.N. to practice professional nursing in the State of Pennsylvania was suspended. A certified copy of the Notice and Order of Automatic Suspension entered by the Pennsylvania Board of Nursing is attached.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Ms. Garcia to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Ms. Garcia will be recorded as suspended and no longer current and valid. Should Ms. Garcia seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Ms. Garcia's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2(G), 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 or copying on request.




David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED AND MAILED ON:

6/22/16

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Notice and Order of Automatic Suspension regarding Christina Marie Garcia, R.N., is a true copy of the record received from the Pennsylvania Board of Nursing.



David E. Brown, D.C.

Date: 6/22/16

COPY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF NURSING

In the Matter of the Automatic
Suspension of the License to
Practice Professional Nursing of
Christina Marie Garcia, RN
License No. RN582974

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:
:

Docket No. 0867-51-2016

File No. 16-51-05105

NOTICE AND ORDER OF AUTOMATIC SUSPENSION

WHEREAS, the records of the State Board of Nursing reflect that Christina Marie Garcia, R.N. (Licensee) is the holder of a registered nurse license, license number RN582974, in the Commonwealth of Pennsylvania; and

WHEREAS, the prosecuting attorney for the Commonwealth has filed a petition for automatic suspension (Attachment "A"), including copies of records certified by the Court of Common Pleas of York County, Pennsylvania, in the case of *Commonwealth of Pennsylvania vs. Christina Marie Garcia*, Criminal Docket No. CP-67-CR-0004684-2015; and

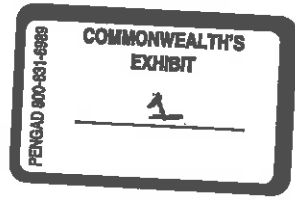
WHEREAS on April 1, 2016, Licensee pled guilty to one (1) Count of Acquiring or Obtaining of Possession of a Controlled Substance by Misrepresentation, Hydromorphone, a Schedule II controlled substance and a felony in violation of Section 13(a)(12) of the Controlled Substance, Drug, Device and Cosmetic Act (Drug Act), Act of April 14, 1972, P.L. 233, No. 64, as amended, 35 P.S. § 780-113(a)(12); and

WHEREAS, Section 13(a)(12) of the Drug Act, 35 P.S. § 780-113(a)(12), provides as follows:

- (a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

TRUE AND CORRECT COPY
CERTIFIED FROM THE RECORD
THIS 15th DAY OF June A.D. 2016

Jessamine A. Dumas
Deputy PROTHONOTARY



(12) The acquisition, or obtaining of possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge.

WHEREAS, Section 13(f)(2) of the Drug Act, 35 P.S. § 780-113(f)(2), provides as follows:

(f) Any person who violates clause ... (12) of subsection (a) with respect to:

(2) Any other controlled substance or counterfeit substance classified as Schedule I, II, or III, is guilty of a felony...

WHEREAS, section 15.1(b) of the Professional Nursing Law (Act), Act of May 22, 1951, P.L. 317, as amended, 63 P.S. § 225.1(b), provides in pertinent part:

(b) A license issued under this act shall automatically be suspended upon the ... conviction of a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act." ... As used in this section the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere. Automatic suspension under this subsection shall not be stayed pending any appeal of a conviction. Restoration of such license shall be made as hereinafter provided in the case of revocation or suspension of such license.

WHEREAS, Section 15.2 of the Act, 63 P.S. § 225.2, provides in part:

[A]ny person whose license has been revoked may apply for reinstatement, after a period of at least five (5) years, but must meet all of the licensing qualifications of this act for the license applied for, to include the examination requirement, if he or she desires to practice at any time after such revocation.

WHEREAS, Section 6(c) of the Act, 63 P.S. § 219(c), provides in part:

The board shall not issue a license or certificate to an applicant who has been convicted of a felonious act prohibited by the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country unless:

(1) at least ten (10) years have elapsed from the date of conviction;

(2) the applicant satisfactorily demonstrates to the board that he has made significant progress in personal rehabilitation since the

conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations; and

(3) the applicant otherwise satisfies the qualifications contained in or authorized by this act.

NOW THEREFORE, the Board concludes that Licensee has been convicted of a felony under the Drug Act, and that the license to practice professional nursing issued to Christina Marie Garcia, RN, license no. RN582974, shall be **AUTOMATICALLY SUSPENDED** for ten years from the date of conviction, effective immediately.

Should Licensee choose to file an answer to the petition and a request for a hearing, Licensee must do so by May ____, 2016, 20 days after the effective date of this order. Responses to the Petition and any hearing held in connection with the response shall be limited to the issue of whether Licensee was convicted of the offense as alleged in the Petition. If Licensee files an answer and requests a hearing, the suspension of Licensee's license shall remain in effect until a final order is issued addressing the issues raised in the answer.

Answers to the petition and requests for hearing shall be filed with Prothonotary, Bureau of Professional and Occupational Affairs, 2601 North Third Street, Harrisburg, PA 17110. A copy of any answer and request for hearing shall be served on the prosecuting attorney identified in the petition at the address set forth below.

Any hearing in connection with this matter shall be scheduled within 30 days of receipt of the request for a hearing. Continuances will only be granted for good cause.

This order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



**IAN J. HARLOW,
COMMISSIONER**

Licensee's address:


Prosecuting attorney:

Board counsel:

Date of mailing:

BY ORDER:

STATE BOARD OF NURSING



**KRISTIN MALADY, RN, BSN
CHAIRPERSON**

Christina Marie Garcia, R.N
1127 Glendale Road
York, PA 17403

David J. Schertz, Esquire
2601 North Third Street
P.O. Box 69521
Harrisburg, PA 17106-9521

Megan E. Castor, Esquire