

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: CHRISTINA GARCIA, R.N.  
License No.: 0001-195893**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on November 19, 2014, in Henrico County, Virginia, to receive and act upon Ms. Garcia's petition for release from probation and to inquire into evidence that Ms. Garcia may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on August 1, 2011. The case was presented by Wendy Deaner, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Garcia was present and was represented by Nicolas Balland, Esquire. The proceedings were recorded by a certified court reporter.

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

**FINDINGS OF FACT**

1. Christina Garcia, R.N. was issued License No. 0001-195893 to practice as a professional nurse in the Commonwealth of Virginia on June 8, 2005. Said license is set to expire on January 31, 2015. Ms. Garcia is also licensed to practice as a professional nurse in Pennsylvania, Washington D.C. and Georgia. Ms. Garcia's primary state of residence is Virginia.
2. By Board Order entered August 1, 2011, Ms. Garcia was placed on probation for a period of one year of active nursing employment.
3. Term 2(b) of the Board's Order required Ms. Garcia to inform the Board, in writing, within ten days of any change in her employment. Ms. Garcia failed to inform the Board until September 2013, that

following her resignation from Prince George's Hospital, Cheverly, Maryland, which had occurred in May 2012, she began employment with York Hospital, York, Pennsylvania, in January 2013.

4. Term 2(c) of the Board's Order required Ms. Garcia to inform each nursing employer that the Board had placed her on probation and to provide each employer with a complete copy of the Board's Order. Ms. Garcia failed to inform York Hospital that the Board had placed her on probation and she did not provide York Hospital with a copy of the Board's Order. By her own admission, Ms. Garcia did not provide her employer with a copy of the Order because Pennsylvania is not a compact state. Ms. Garcia testified that she never informed York Hospital of her Board Order or her probation.

5. Term 2(d) of the Board's Order required Ms. Garcia to direct all of her nursing employers to submit quarterly performance evaluations. Ms. Garcia failed to have York Hospital submit any performance evaluations during the calendar year 2013.

6. Term 2(e) of the Board's Order required Ms. Garcia to submit prescription reports within ten days of the date any Schedule II-V controlled substances were prescribed to her. Ms. Garcia failed to submit until January 17, 2012, a report for a prescription she received for Fioricet (Schedule III) on August 4, 2011.

7. Term 2(f) of the Board's Order required Ms. Garcia to undergo two supervised, unannounced drug screens per month. Ms. Garcia only had one drug screen during the months of December 2011, April 2012 and July 2012. Ms. Garcia testified she underwent three drug screens in May 2012.

8. Term 2(h) of the Board's Order required Ms. Garcia to submit quarterly self-reports. Ms. Garcia failed to submit self-reports for the last quarter of 2012 and for all four quarters of 2013.

9. Ms. Garcia testified that she ceased complying with the terms of her order due to a misunderstanding about her probationary period.

10. Ms. Garcia testified that she resigned from York Hospital on October 1, 2014. She is scheduled to begin employment with Lancaster Hospital in Lancaster, Pennsylvania in December 2014. She has not informed Lancaster Hospital of her previous Board Order or her probation.

11. Ms. Garcia requested that the Board continue her on probation for a period of not less than one year.

### CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of Term 2(b) of the Board's 2011 Order.
2. Finding of Fact No. 4 constitutes a violation of Term 2(c) of the Board's 2011 Order.
3. Finding of Fact No. 5 constitutes a violation of Term 2(d) of the Board's 2011 Order.
4. Finding of Fact No. 6 constitutes a violation of Term 2(e) of the Board's 2011 Order.
5. Finding of Fact No. 7 constitutes a violation of Term 2(f) of the Board's 2011 Order.
6. Finding of Fact No. 8 constitutes a violation of Term 2(h) of the Board's 2011 Order.

### ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Christina Garcia, R.N., is hereby placed on PROBATION for not less than one year of actual nursing employment subject to the following terms and conditions:
  - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Garcia has completed one year of active employment as a professional nurse. The license of Ms. Garcia shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et. seq. and § 54.1-2400(9) et. seq. of the Code.
  - b. Ms. Garcia shall inform the Board in writing within ten days of the date she begins nursing, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Garcia

shall provide the name and address of each employer to the Board.

c. Ms. Garcia shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Garcia is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Performance Evaluations shall be provided, at the direction of Ms. Garcia, by all nursing employers, as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

e. Ms. Garcia shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

f. Ms. Garcia shall be required to have two supervised, unannounced random drug screens a month, from a Board approved testing entity, which includes testing for alcohol and the following drugs of choice: cocaine, lorazepam, and hydromorphone. Ms. Garcia shall ensure that the first set of results are received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. Garcia refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

g. Ms. Garcia shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted

communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

h. Ms. Garcia shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

i. Ms. Garcia shall return all copies of her license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order along with payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms" or a certificate marked "Probation with Terms".

2. Ms. Garcia is hereby REPRIMANDED.

3. Ms. Garcia shall pay a MONETARY PENALTY of \$500.00 to the Board within 90 days of the entry of this Order.

4. This Order shall be applicable to Ms. Garcia's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Garcia may 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.


5. Ms. Garcia 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.

6. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation

of the license of Ms. Garcia and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

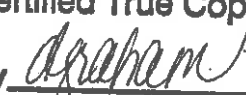
FOR THE BOARD

  
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Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

  
ENTERED

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy  
By   
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Virginia Board Of Nursing