

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: CHRISTINA GARCIA, 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 April 26, 2011, in Henrico County, Virginia. Christina Garcia, R.N., was present and was represented by Jack Burtch, Jr., Esquire. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 20, 2011, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Garcia was not present nor was she represented by legal counsel. Ms. Garcia submitted written comments/objections.

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. Christina Garcia, R.N., was issued License No. 0001-195893 to practice professional nursing in Virginia on June 8, 2005. The license is scheduled to expire on January 31, 2013. Ms. Garcia also holds professional nursing licenses in the District of Columbia and Georgia that are current. She holds a professional nursing license in Pennsylvania that has expired. Her primary state of residence is Virginia.

2. By letter dated February 4, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Garcia notifying her that an informal conference would be held on March 2,

2011. The Notice was sent by certified and first class mail to 2928 Thomas Smith Lane, Williamsburg, Virginia 23185, the address of record on file with the Board of Nursing. By letter dated February 11, 2011, Ms. Garcia requested a continuance, which was granted. By letter dated February 17, 2011, Jack Burtch, Jr., Esquire, notified the Board he was counsel for Ms. Garcia. By letter dated April 20, 2011, Mr. Burtch acknowledged that the informal conference had been rescheduled for April 26, 2011.

3. During the course of her employment with Sentara Williamsburg General Hospital, Williamsburg, Virginia (“Sentara”):

a. As a result of a report that Ms. Garcia was not managing medications consistent with hospital policy, an audit was conducted of her narcotic medication withdrawal and documentation from the period of August 28, 2010, to September 27, 2010. The audit revealed that Ms. Garcia waited several hours to administer or waste drugs. A review of eight patient records revealed one medication discrepancy with Ativan (lorazepam, Schedule IV) in which Ms. Garcia removed 2 mg of the medication from Pyxis, and she failed to document administering or wasting the medication. Finally, on several occasions Ms. Garcia failed to document wasting excess Dilaudid (hydromorphone, Schedule II).

b. Due to the documentation errors, on September 28, 2010, Ms. Garcia submitted to a for-cause urine drug screen that was positive for cocaine. On October 28, 2010, Ms. Garcia admitted to an investigator for the Department of Health Professions that she had inhaled cocaine several days before the drug screen.

c. Ms. Garcia’s employment was terminated effective September 29, 2010. There is no evidence that Ms. Garcia’s errors caused injury to patients.

4. Ms. Garcia began experiencing depression in 2004. She also has a history of attention deficit hyperactivity disorder (“ADHD”).

5. On January 16, 2003, Ms. Garcia was convicted of driving while under the influence in the Rockingham, Virginia, General District Court.

6. Ms. Garcia stated at the informal conference that she has been receiving treatment for her depression and ADHD. Ms. Garcia stated that she recently asked her primary care provider if she could discontinue her antidepressants, and he concurred. Ms. Garcia reported that her current medications include Percocet for migraine headaches, Adderall and Verapamil. At the informal conference, Ms. Garcia provided documentation of recent drug screens that were negative.

7. Ms. Garcia is currently employed as a nurse and practicing in Maryland. She has had no other terminations from nursing employments.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007 (5) of the Code.
2. Findings of Fact No. 3(b), 4, and 5 constitute a violation of § 54.1-3007 (6) of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Christina Garcia, R.N., is hereby REPRIMANDED.
2. Ms. Garcia is hereby placed on PROBATION for one year of actual nursing practice 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 a 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.”

j. Ms. Garcia shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

k. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Garcia and an administrative proceeding shall be held to decide whether her license shall be revoked.


3. The Order is applicable to Ms. Garcia’s multistate licensure privileges, if any, to

practice professional nursing in the Commonwealth of Virginia. For the duration of the Order, Ms. Garcia 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 the party state where she wishes to work. Any request for out of state employment should be directed, in writing, to the Executive Director of the Board.

This Order is subject to appeal to the Board. If Ms. Garcia 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

  
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director  
Virginia Board of Nursing  
Entered: Aug 1, 2011