



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
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July 18, 2003

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

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Barbara A. Velvin, RN
3053 Plank Road
South Hill, VA 23970

CERTIFIED MAIL
71603901984412168589

Dear Ms. Velvin:

Enclosed is a certified true copy of the Consent Order entered by the Virginia Board of Nursing, which reinstates your license to practice as a Professional Nurse contingent upon your compliance with the terms and conditions as stated in the order.

If you have any questions, please contact us.

Sincerely,

Susan Bell Rosen, RN, FNP, JD
Deputy Executive Director
Discipline

SBR/dl
Enclosure

cc: Robert A. Nebiker, Director, Department of Health Professions
James L. Banning, Director for Administrative Proceedings
Patricia Larimer, Senior Adjudication Analyst (91610)
Donna P. Whitney, L.P.N., C.S.A.C., Intervention Program Coordinator
Ann L. Tiller, Compliance Manager

Virginia Board of Nursing 1903 – 2003
Regulating Nursing – Protecting The Public

Board of Audiology & Speech - Language Pathology - Board of Dentistry - Board of Funeral Directors & Embalmers - Board of Medicine - Board of Nursing
Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine
Board of Health Professions

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

BARBARA P. VELVIN

CONSENT ORDER

The Virginia Board of Nursing, and Barbara P. Velvin with her consent as evidenced by her signature below, enter into the following Consent Order affecting Ms. Velvin's license to practice nursing in the Commonwealth of Virginia.

FINDINGS OF FACT and CONCLUSIONS OF LAW

The Board concludes that:

1. Barbara P. Velvin previously held License No. 0001-102515 issued by the Virginia Board of Nursing, which was mandatorily suspended by an Order of the Department of Health Professions, pursuant to § 54.1-2409 of the Code of Virginia, due to two (2) felony convictions in the Circuit Court of the County of Mecklenburg, Virginia, for obtaining drugs by fraud.
2. On or about June 19, 2003, Barbara P. Velvin applied for the reinstatement of her license to practice professional nursing.
3. On or about May 12, 2003, Ms. Velvin was convicted of two (2) felony counts of obtaining drugs by fraud in the Circuit Court of Mecklenburg County, Virginia. She was sentenced to ten (10) years incarceration, suspended, on the following conditions: 1) She shall be of good behavior for ten (10) years, 2) Placed on supervised probation for one (1) year, and 3) Pay costs of \$731.00.
4. On or about October 18, 2002, the Health Practitioners' Intervention Committee granted

Ms. Velvin a stay of disciplinary action. However, on or about July 9, 2003, the Health Practitioners' Intervention Committee vacated the stay of disciplinary action due to the mandatory suspension of Ms. Velvin's license by Order of the Department of Health Professions, entered June 3, 2003.

5. Ms. Velvin violated § 54.1-3007(2), (3), (5) and (6) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations of the Board of Nursing in that, during the course of her employment on the telemetry unit at Community Memorial Healthcenter, South Hill, Virginia, on divers occasions between on or about March 2002, and July 15, 2002, by her own admission, Ms. Velvin diverted various amounts of Percocet (Oxycodone/acetaminophen, Schedule II) for her personal and unauthorized use. Ms. Velvin accomplished these diversions by signing out the medication for patients who did not request or need the medication and keeping the medication for herself. Ms. Velvin also admitted to self-administering the Percocet while on duty.
6. Ms. Velvin violated § 54.1-3007(6) of the Code of Virginia (1950), as amended, in that, by her own admission, between approximately December 2000 and July 2002, she abused alcohol in that she would drink excessive amounts of wine and beer when off duty.
7. By Consent Order entered November 20, 1991, Ms. Velvin's license to practice professional nursing in the Commonwealth of Virginia was suspended for not less than one (1) year due to her diversion of certain Schedule II and VI controlled substances, alteration of prescriptions, impairment on duty and felony convictions of five (5) counts of obtaining prescription drugs by forgery or alteration of a prescription.

8. On or about July 19, 2002, Ms. Velvin signed a Participation Contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code, and 18 VAC 76-10-10, et seq., of the Regulations Governing the Health Practitioners' Intervention Program. On or about September 13, 2002, she signed a Recovery Monitoring Contract.
9. Ms. Velvin successfully participated in intensive outpatient treatment at Williamsburg Place of Richmond from July 22, 2002 through September 16, 2002. She continues to participate weekly in the aftercare program.
10. A HPIP report dated July 9, 2003, stated that the reports from Ms. Velvin's therapist are favorable and indicate continuing progress. HPIP also reported that all of Ms. Velvin's drug screens have been negative and she has not missed any call-ins and has screened each time it was requested, although she did have three (3) dilute specimens in September and October of 2002. Further, Ms. Velvin has been compliant with all aspects of her Recovery Monitoring Contract, all of her reports have been received on time, and she maintains close contact with her HPIP monitor.
11. Ms. Velvin is presently employed as a dialysis technician at West Hampton Dialysis, and all of her work site monitor reports have been positive.
12. The Board concludes that Ms. Velvin has met the requirements of § 54.1-3009 of the Code and that she is competent to return to the practice of nursing with reasonable skill and safety to patients, subject to certain restrictions, as more fully set forth below.

CONSENT

Barbara P. Velvin by affixing her signature hereon, agrees to the following:

1. Ms. Velvin acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
2. Ms. Velvin acknowledges that she is fully aware that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000 A, et seq., of the Code of Virginia, 1950, as amended;
3. Ms. Velvin acknowledges that she has the following rights among others: the right to an administrative proceeding before the Board, to reasonable notice of said administrative proceeding, to representation by counsel, and the right to present witnesses and evidence on her behalf;
4. Ms. Velvin waives all such right to an administrative proceeding;
5. Ms. Velvin admits to the above Findings of Fact;
6. Ms. Velvin consents to the entry of the following Order affecting her practice of professional nursing in the Commonwealth of Virginia.

ORDER

On the basis of the foregoing, the Committee, effective upon entry of this Order, hereby ORDERS that the license of Barbara P. Velvin to practice professional nursing in the Commonwealth of Virginia, License No. 0001-102515, be, and hereby is, REINSTATED, subject to the following terms and conditions:

1. Ms. Velvin shall comply with all terms and conditions for the period specified by the HPIP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Velvin, and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Velvin shall be noticed to appear before a Committee at

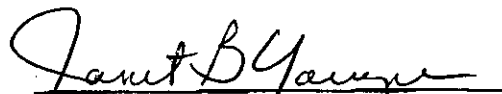
such time as the Board is notified that:

- a) Ms. Velvin is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or
- b) There is a pending investigation or unresolved allegations against Ms. Velvin involving a violation of law, regulation or any term or condition of this order, or,
- c) Ms. Velvin has successfully completed the specified period of participation in the HPIP. However, upon receipt of evidence of Ms. Velvin's participation in and compliance with the HPIP, the Committee, at its discretion, may waive Ms. Velvin's appearance before the Committee, and conduct an administrative review of this matter.

The Board expects Ms. Velvin to maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of Title 54.1, Chapter 30, of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.

Pursuant to § 2.2-4023 of the Code of Virginia (1950), as amended, the signed original of this Consent 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


Janet B. Younger, Ph.D., R.N., P.N.P.
President for the
Board of Nursing

ENTERED: July 15TH, 2003

SEEN AND AGREED TO:

Barbara P. Velvin
Barbara P. Velvin

COMMONWEALTH OF VIRGINIA,

COUNTY/CITY OF Stafford, TO WIT:

Subscribed and sworn to before me, Sandra J. Hightower, a Notary Public, this 14th day of July, 2003

My commission expires the 30 day of November, 2004.

Sandra J. Hightower
NOTARY PUBLIC

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Certified True Copy
By DL 7/18/03
Virginia Board of Nursing