

VIRGINIA:

**BEFORE THE COMMITTEE OF THE
JOINT BOARDS OF NURSING AND MEDICINE**

IN RE: SHARON KENDALL, R.N., L.N.P.

CONSENT ORDER

The Virginia Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") and Sharon Kendall, R.N., L.N.P., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Kendall's license to practice as a nurse practitioner in Virginia.

The Committee of the Joint Boards adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Sharon Kendall, R.N., holds License No. 119951 to practice professional nursing in the State of Tennessee. Said license is set to expire on April 30, 2010. She is privileged to practice professional nursing in Virginia by virtue of the Nurse Licensure Compact. Ms. Kendall holds License No. 0024-168331 to practice as a nurse practitioner issued by the Virginia Committee of the Joint Boards on May 28, 2009. Said license is set to expire on April 30, 2010.
2. During the course of her employment as a nurse anesthetist with Staff Care, Inc., while on assignment to Sentara Careplex, Hampton, Virginia, by her own admission, in July and August, 2009, Ms. Kendall diverted Fentanyl (duragesic, Schedule II) from hospital supplies for her own personal and unauthorized use. She accomplished this diversion by removing more Fentanyl from the Pyxis system than was required for patients and retaining the unused portions for herself; and by removing the medication for patients who were not assigned to her and keeping the entire amounts. She self-injected some of this medication while on duty.

3. Ms. Kendall was admitted to Bradford Healthcare Services in Warrior, Alabama, on August 13, 2009 for substance abuse treatment and completed a 90-day program. Following her discharge in November, 2009, Ms. Kendall completed an outpatient program in Bradford's Nashville, Tennessee office. She is currently enrolled in an aftercare program with the South Carolina Recovering Professionals Program.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended ("Code"), 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing, and 18 VAC 90-30-220(4) and (5) of the Regulations Governing the Licensure of Nurse Practitioners.

CONSENT

Sharon Kendall, R.N., L.N.P., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges 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;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Committee of the Joint Boards, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Committee of the Joint Boards;
6. She consents to the entry of the following Order affecting her right to practice as a nurse practitioner in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Committee of the Joint Boards of Nursing and Medicine, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:


1. License No. 0024-168331 of Sharon Kendall, R.N., L.N.P., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Kendall shall petition the Committee of the Joint Boards 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. Kendall 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.
4. This suspension shall be STAYED upon proof of Ms. Kendall's entry into the Virginia Health Practitioners' Monitoring Program ("HPMP"), or a comparable South Carolina program, within 60 days of the entry of this Order. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Kendall shall comply with all terms and conditions for the period specified by the HPMP or comparable South Carolina program.
 - 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. Kendall, 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 Committee of the Joint Boards is notified that

- i. She is not in compliance with the terms and conditions specified by the HPMP;
- ii. Her participation in the HPMP or comparable South Carolina program has been terminated;
- iii. There is a pending investigation or unresolved allegation against her involving violation of law, regulation, or any term or condition of this Order.

5. Ms. Kendall shall maintain a course of conduct in her capacity as a nurse practitioner commensurate with the requirements of §§ 54.1-2900 *et seq.* and 54.1-3000 *et seq.* of the Code and the regulations Governing the Licensure of Nurse Practitioners.

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 upon request.

FOR THE COMMITTEE OF THE JOINT BOARDS


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

ENTERED: June 16th, 2010.

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SEEN AND AGREED TO:


Sharon Kendall, R.N., L.N.P.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Greenwell, TO WIT:

Subscribed and sworn to before me, Pam Gas, a Notary Public, this 30th day of April, 2010. My Commission Expires September 21, 2019

My commission expires _____

Registration Number _____


NOTARY PUBLIC