

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KATHRYN CHARLES MILES, R.N.
License No.: 0001-144275

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 January 31, 2013, in Henrico County, Virginia, to receive and act upon Kathryn Charles Miles' application for reinstatement of her license to practice professional nursing in Virginia, and to inquire into evidence that Ms. Miles may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Miles was present and was not represented by legal counsel. 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. Kathryn Charles Miles, R.N., was issued License No. 0001-144275 to practice professional nursing in the Commonwealth of Virginia on July 13, 1995. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on September 20, 2012. Ms. Miles' primary state of residence is Virginia.
2. Ms. Miles submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on October 1, 2012.
3. On July 11, 2011, in the United States District Court, Eastern District of Virginia, Newport News, Virginia, Division, Ms. Miles pled guilty and was convicted of one felony count of conspiracy to

defraud the United States by conspiring to obstruct the Internal Revenue Service in the ascertainment of federal income taxes between 2001 through 2010. Ms. Miles was ordered to make restitution on the special assessment in the amount of \$215,591.27 and was sentenced to 20 months incarceration beginning in August 2013. Ms. Miles remains on supervised probation pending incarceration.

4. Ms. Miles' father testified that he was responsible for her participation in the conspiracy to avoid paying taxes and he has subsequently been convicted in a U.S. District Court.

5. On December 2, 2008, by her own admission, during the course of her employment with Rappahannock General Hospital, Kilmarnock, Virginia, after administering an I.V. push medication to a patient, Ms. Miles told the patient that she gave the patient the wrong medication and the patient was going to die. Following the report of the incident by the patient, Ms. Miles was asked to submit to a drug screen. Ms. Miles testified that she refused the drug screen at that time, because it would have come back positive for Ativan (C-IV), for which she did not have a valid prescription.

6. On October 5, 2007, during the course of her employment with Cumberland Hospital for Children and Adolescents ("Cumberland Hospital"), New Kent, Virginia, Ms. Miles reported for her shift under the influence of alcohol.

7. On February 13, 2007, Ms. Miles was convicted of driving while intoxicated, first offense, in the York County, Virginia, General District Court.

8. On November 2, 2010, Ms. Miles entered treatment with Middle Peninsula Northern Neck Center for Substance Abuse Treatment, Gloucester, Virginia. Ms. Miles completed treatment on April 26, 2011.

9. Ms. Miles testified that her sobriety date is January 28, 2011, that she has attended Alcoholics Anonymous meetings for the last two years. Ms. Miles does not have a sponsor, claiming that her family and church provide adequate support for her sobriety.

10. Ms. Miles failed to disclose her terminations from Cumberland Hospital and Rappahannock

General Hospital on her applications for employment with Riverside Walter Reed Hospital, Gloucester, Virginia and Diamond Healthcare Corporation, Williamsburg, Virginia.

11. Ms. Miles is currently employed in a non-nursing position in admissions with Diamond Healthcare. Ms. Miles testified that she takes responsibility for her past actions.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing ("Regulations").
3. Findings of Fact Nos. 6 through 8 constitute a violation of § 54.1-3007(6) of the Code.
4. Finding of Fact No. 10 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

ORDER

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

1. The application of Kathryn Charles Miles for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Ms. Miles be CONTINUED on INDEFINITE SUSPENSION.
2. The license of Ms. Miles will be recorded as SUSPENDED. Should Ms. Miles seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license privilege prior to issuance of her license to resume practice.
3. At such time as Ms. Miles shall petition the Board for reinstatement of her license, a hearing will

be convened to determine whether she is able to return to the safe and competent practice of professional nursing.

4. Said suspension shall be STAYED upon proof that Ms. Miles has entered into the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with the terms of the HPMP and the following terms and conditions:

a. Ms. Miles shall comply with all terms and conditions for the period specified by the HPMP.

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. Miles, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Miles is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

5. Upon receipt of evidence of Ms. Miles' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Miles' appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

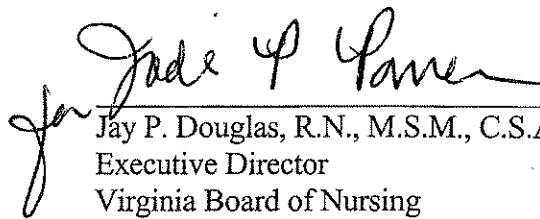
6. Ms. Miles is hereby REPRIMANDED.

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

8. Ms. Miles 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.

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


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

February 19, 2013
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, R.N., M.S.M., C.S.A.C., 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 
Virginia Board of Nursing