

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:                                 DIANE HAKE, R.N. REINSTATEMENT APPLICANT**  
**License No.: 0001-173517**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on October 2, 2012, in Henrico County, Virginia, to receive and act upon the application of Diane Hake for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Hake may have violated certain laws and regulations governing professional nursing practice. Ms. Hake was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Diane Hake was issued License No. 0001-173517 to practice professional nursing in the Commonwealth of Virginia on March 12, 2001. Said license was indefinitely suspended by Order of the Board entered on September 20, 2005, due to findings of diversion and substance abuse. Ms. Hake was also licensed to practice professional nursing in Pennsylvania and Maryland. Both licenses are revoked. Her primary state of residence is Pennsylvania.

2. By letter dated September 5, 2012, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Hake notifying her that an informal conference would be held on October 2, 2012. The Notice was sent by certified and first class mail to 724-A Elmira Street, Williamsport, Pennsylvania 17701, the address of record on file with the Board of Nursing.

3. Ms. Hake submitted an application for reinstatement of her license to practice professional nursing, which was received by the Board on March 13, 2012.

4. On June 11, 2007, in the City of Newport News, Virginia, Circuit Court, Ms. Hake was convicted of 15 counts of misdemeanor prescription fraud.

5. By Order dated September 15, 2008, the Pennsylvania Bureau of Professional and Occupational Affairs revoked Ms. Hake's license to practice professional nursing in that state.

6. By Order dated February 24, 2009, the Maryland Board of Nursing revoked Ms. Hake's license to practice professional nursing in that state.

7. In her application for reinstatement of license as a registered nurse following suspension or revocation, received by the Board on March 13, 2012, Ms. Hake answered "Yes" to the question "Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing?"

8. At the informal conference, Ms. Hake stated that her date of sobriety is March 4, 2005. She currently attends Alcoholics Anonymous three times per week. Ms. Hake further stated that she diverted narcotics to manage her symptoms of alcoholism. After her convictions, Ms. Hake worked part-time jobs until she secured full-time employment. She is currently employed at a YWCA as a case manager where she has been employed for the last year. Ms. Hake provided evidence that she completed 26 continuing education units.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (4), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice Nursing ("Regulations").
2. Finding of Fact Nos. 5 and 6 constitute a violation of § 54.1-3007(7) of the Code.
3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code.

4. The Board concludes that Ms. Hake has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner, with certain restrictions.

**ORDER**

On the basis of the foregoing, the Committee hereby ORDERS that the license of Diane Hake is hereby REINSTATED and that Ms. Hake shall be placed on INDEFINITE PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After one year of active employment as a professional nurse, Ms. Hake may request that the Board end this probation.

2. Ms. Hake shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Hake shall provide the name and address of each employer to the Board.

3. Ms. Hake 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. Hake is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

4. Performance Evaluations shall be provided, at the direction of Ms. Hake, by all nursing employer(s), 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.

5. Ms. Hake shall enroll in and successfully complete a Board-approved refresher course and shall not practice until she has provided written evidence to the Board of satisfactory completion of said course and has received permission from the Board to do so.

6. Ms. Hake shall have an evaluation by a mental health/chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 45 days from the date this Order is entered. Ms. Hake shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Hake is discharged from therapy. Ms. Hake shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

7. Ms. Hake 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.

8. Ms. Hake shall attend Alcoholics Anonymous /Narcotics Anonymous /Caduceus recovery support groups /or other groups acceptable to the Board three times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board quarterly.

9. Ms. Hake 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.

10. Ms. Hake 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.

11. The Board shall issue a license marked “Valid in Virginia Only; Probation with Terms.”

12. Ms. Hake shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Regulations Governing the Practice of Nursing.


13. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Diane Hake and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

14. This Order is applicable to Ms. Hake’s multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Hake 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 in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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.

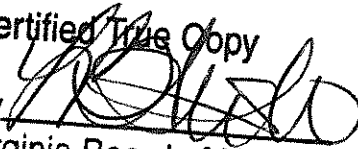
Pursuant to Section 54.1-2400(10) of the Code, Ms. Hake may, not later than 5:00 p.m., on **November 26, 2012**, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

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

ENTERED: October 22, 2010

This Order shall become final on **November 26, 2012**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy  
By   
Virginia Board of Nursing