

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CATHY CULBERTSON, R.N. REINSTATEMENT APPLICANT
License No.: 0001-090199

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Cathy Culbertson, who, prior to its mandatory suspension by the Board of Nursing on September 4, 2014, held License No. 0001-090199 to practice professional nursing in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on January 28, 2015, at 1:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Culbertson will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Culbertson has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Culbertson desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Culbertson’s application for reinstatement of her license to practice professional nursing in Virginia, which was suspended by an Order of the Board entered on September 4, 2014, and to inquire into evidence that grounds may exist to deny her application, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Culbertson, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice of nursing in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Culbertson's license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Cathy Culbertson, R.N., may have violated §54.1-3007(4) of the Code in that, on August 21, 2014, in the Circuit Court for Southampton County, Virginia, Ms. Culbertson was convicted of five counts of felony prescription fraud. This conviction formed the basis of the mandatory suspension of Ms. Culbertson's license by the Virginia Department of Health Professions.

2. Ms. Culbertson may have violated §54.1-3007(6) of the Code in that she may be unsafe to practice nursing due to substance abuse as evidenced by the following:

a. Ms. Culbertson has received treatment for her opioid dependency since 2004.

b. Ms. Culbertson is currently enrolled in the Health Practitioners' Monitoring Program.

On a recent Recovery Monitoring Contract, Ms. Culbertson indicated that she has a substance use disorder which may impair her ability to safely practice nursing.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director for the
Board of Nursing

ENTERED: _____

January 6TH, 2015