

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

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 June 5, 2013, in Henrico County, Virginia, to inquire into evidence that Cathy Culbertson, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Culbertson 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. Cathy Culbertson, R.N., was issued License No. 0001-090199 to practice professional nursing in the Commonwealth of Virginia on August 26, 1983. Said license expires on July 31, 2014. By Order of the Board entered September 10, 2008, the Board took no action contingent upon Ms. Culbertson’s continued compliance with the term and conditions of her Recovery Monitoring Contract with the Health Practitioners’ Intervention Program (currently known as the Health Practitioners’ Monitoring Program, hereafter “HPMP”) based on findings that Ms. Culbertson diverted, and was addicted to, Vicodin (hydrocodone, Schedule III) and Dilaudid (hydromorphone, Schedule II). By Order of the Board entered on December 29, 2010, the Board terminated the terms and conditions on Ms. Culbertson’s license based on findings that Ms. Culbertson had successfully completed her contract with the HPMP. Her primary state of residence is Virginia.

2. By letter dated May 9, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Culbertson notifying her that an informal conference would be held on June 5, 2013. The

Notice was sent by certified and first class mail to 1452 Manning Road, Suffolk, Virginia 23434, the address of record on file with the Board of Nursing.

3. During the course of her employment with Western Tidewater Free Clinic, Suffolk, Virginia, from April, 2012, to October, 2012, Ms. Culbertson diverted approximately 1270 dosage units of Norco (hydrocodone/acetaminophen, Schedule III). By her own admission, Ms. Culbertson accomplished the diversion by calling in prescriptions for Norco using the names of three individuals who were Western Tidewater Free Clinic patients and one who was not a patient, none of whom had a physician's order for the medication. Ms. Culberston then picked up the medication from the pharmacy for her own personal and unauthorized use.

4. On June 25, 2011, Ms. Culbertson obtained a prescription for approximately 15 dosage units of Norco from a physician co-worker at Western Tidewater Free Clinic with whom she did not have a physician/patient relationship.

5. On October 23, 2012, Ms. Culbertson signed a Participation Contract with the HPMP in which she admitted that she may suffer from a chemical dependency condition that impairs her ability to practice her health profession safely.

6. Ms. Culbertson signed a Recovery Monitoring Contract with the HPMP on December 3, 2012. An HPMP compliance report dated June 3, 2013, stated Ms. Culbertson is in compliance with the program.

7. The Western Tidewater Free Clinic suspended Ms. Culbertson's employment after Ms. Culbertson's diversion was discovered. Ms. Culbertson returned to employment at the Western Tidewater Free Clinic on March 6, 2013. At the informal conference, the Executive Director of the Western Tidewater Free Clinic stated that Ms. Culbertson was highly valued at the clinic, and that Ms. Culbertson must stay in the HPMP to keep her employment.

8. Ms. Culbertson stated that her date of sobriety is October 3, 2012, and that she is active in Narcotics Anonymous and Caduceus. Ms. Culbertson held herself accountable for her actions and expressed remorse.

CONCLUSIONS OF LAW

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

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Cathy Culbertson, R.N., is hereby REPRIMANDED.
2. The Board shall TAKE NO FURTHER ACTION contingent upon Ms. Culbertson's continued compliance with all terms and conditions of the Recovery Monitoring Contract and any subsequent contracts with the HPMP for the period specified by the HPMP.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Cathy Culbertson, R.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Culbertson shall be noticed to appear before the Board at such time as the Board is notified that:

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- a. Ms. Culbertson is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Culbertson has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Culbertson's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Culbertson's appearance before the Board and conduct an administrative review of this matter.

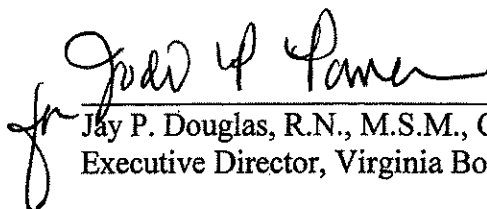
4. This Order is applicable to Ms. Culbertson's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Culbertson may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

5. Ms. Culbertson 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 Regulations Governing the Practice of Nursing.

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. Culbertson may, not later than 5:00 p.m., on July 22, 2013, 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:



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

ENTERED: June 19, 2013

This Order shall become final on July 22, 2013 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing