

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KATHARINE KUPER, R.N.
License No.: 0001-210756**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on October 23, 2013, in Henrico County, Virginia. Katharine Kuper, R.N., was present and was not by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Kuper was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Katharine Kuper, R.N., was issued License No. 0001-210756 to practice professional nursing in Virginia on January 4, 2008. The license is scheduled to expire on September 30, 2015.
2. By letter dated September 26, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Kuper notifying her that an informal conference would be held on October 23, 2013. The Notice was sent by certified and first class mail to P.O. Box 1606, Louisa, Virginia, 23093, the address of record on file with the Board of Nursing.
3. Ms. Kuper's employment with Bon Secours Richmond Community Hospital, where she had been employed since 2007, was terminated in April 2013. The termination followed a work-related

incident that stemmed from the manifestation of Ms. Kuper's insomnia-related issues while she was on duty at the end of four consecutive overnight shifts and following an extended period without sleep. Specifically, she took Xanax belonging to a patient, but, according to Ms. Kuper, she had second thoughts, never ingested the medication, and disposed of the medication inside the hospital.

4. There had had been no previous concerns of impairment during Ms. Kuper's employment and no disciplinary issues. An audit of her Pyxis machine usage revealed no discrepancies.

5. Ms. Kuper is currently seeing a nurse practitioner with InSight Physicians to address anxiety, panic, and other emotional issues. She is currently prescribed Seroquel, Ambien, and Ativan and reports that for the first time, she is able to have restful sleep.

6. Ms. Kuper presented in a depressed and tearful manner at the informal conference. She has previously experienced depression, anxiety, and insomnia and followed the request of the Employee Assistance Program to seek individual psychotherapy.

7. Ms. Kuper presented evidence at the informal conference of several hair and urine drug screens that she had obtained on her own, all of which were negative.

8. Ms. Kuper has been employed at Virginia Commonwealth University Hospital since June 24, 2013, and she works in the emergency department. At the informal conference, she reported no problems with her employment.

9. Ms. Kuper completed the NCSBN online course in ethics in June 2013.

10. After preliminary investigation, the Agency Subordinate found that there was probable cause to believe that Ms. Kuper may be unable to practice nursing with reasonable skill and safety to patients due to mental illness based upon Ms. Kuper's statements regarding unresolved mental health issues.

CONCLUSIONS OF LAW

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

ORDER

WHEREFORE, it is hereby ORDERED as follows:

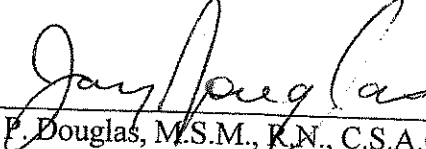
1. Pursuant to § 54.1-2400(15) of the Code, Katharine Kuper, R.N., shall have an evaluation by a mental health specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within 60 days after the date that this Order is entered. Upon receipt of the required information, the Board may request that Ms. Kuper reappear before a Special Conference Committee or Agency Subordinate in order to consider the specialist's recommendations and to make a final disposition of the matter.
2. Ms. Kuper 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.
3. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Kuper, and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Kuper may, not later than 5:00 p.m., on

March 17, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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 BOARD:




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

ENTERED: February 12th, 2014

This Order shall become final on March 17, 2014 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing