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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KRISTIE CHARLES, L.P.N.
License No.: 0002-077041

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), an informal conference was held before a Special Conference Committee (“Committee”) of the Board of Nursing (“Board”) on April 15, 2014, in Henrico County, Virginia, to inquire into evidence that Kristie Charles, L.P.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Charles was not present and was not represented by legal counsel.

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

FINDINGS OF FACT

1. Kristie Charles, L.P.N., was issued License No. 0002-077041 to practice as a practical nurse in the Commonwealth of Virginia on October 29, 2007. Said license expires on December 31, 2014. Her primary state of residence is Virginia.

2. By letter dated February 20, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Charles notifying her that an informal conference would be held on April 15, 2014. The Notice was sent by certified and first class mail to 679 Wagon Trail, Haysi, Virginia 24256, the address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board on March 5, 2014. The Notice sent by regular mail was not returned to the Board. The Committee Chair concluded that adequate notice was provided to Ms. Charles and the informal conference proceeded in her absence.

3. By her own admission, from January 2013 to July 2013, during the course of her employment with Stone Mountain Health Services, Haysi, Virginia, Ms. Charles sought and obtained prescriptions for narcotic medication from practitioners in the practice who were covering for her primary care provider, knowing that she still had active refills for the same medications. Ms. Charles obtained these prescriptions by entering a request into her work computer to the practitioner covering for her provider during times when her provider was out of the office on vacation.

4. Between January 4, 2013, and June 26, 2013, Ms. Charles obtained 3,566 dosages of narcotic medications; of those, 1,690 dosages were prescribed by the other practitioners in the practice. Further, to avoid detection, she utilized two different pharmacies.

5. By her own admission, Ms. Charles suffered from severe back problems, and after giving birth to her second child, she experienced postpartum depression and began to take more narcotic medications than what her primary care provider prescribed.

6. Ms. Charles signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on March 18, 2014.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 through 5 constitute violations of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Based on the above Findings of Fact, the Committee concludes that Ms. Charles is properly enrolled in the Health Practitioners' Monitoring Program ("HPMP").

CONSENT

Kristie Charles, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;

2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;

4. She waives all such right to an informal conference;

5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0002-077041 of Kristie Charles, L.P.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. At such time as Ms. Charles shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Charles shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
5. This suspension shall be STAYED contingent upon Ms. Charles' continued compliance with the HPMP, and the following terms and conditions shall apply:

a. Ms. Charles 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. Charles, and an administrative proceeding shall be held to determine 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. Charles is not in compliance with the terms and conditions specified by the HPMP;
- ii. Her participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against her involving a violation of law, regulation, or any term or condition of this order.

6. This Order is applicable to Ms. Charles' multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Charles 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.

7. Ms. Charles shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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

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 upon request.

FOR THE BOARD

Jane Ingalls
Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: July 15, 2014

SEEN AND AGREED TO:

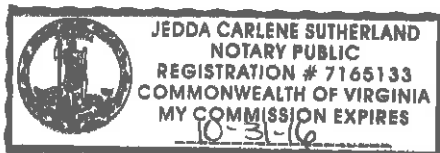
Kristie L. Charles APRN
Kristie Charles, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Dickenson, TO WIT:

Subscribed and sworn to before me, Jedda C. Sutherland, a Notary Public, this 2nd day of June, 2014.

My commission expires 10-31-16

Registration Number 7165133



Jedda C. Sutherland
NOTARY PUBLIC