

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KRISTEN PHILPOTT, C.N.A.
Certificate No.: 1401-133547

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Kristen Philpott, C.N.A., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Philpott's certificate to practice as a nurse aide in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kristen Philpott, C.N.A., was issued Certificate No. 1401-133547 to practice as a nurse aide by the Virginia Board of Nursing on November 12, 2009. Said certificate is set to expire on November 30, 2014.
2. In November 2013 and December 2013, during the course of her employment with At Home Care Staffing, Richmond, Virginia, while assigned to provide home health care to Patient A, Ms. Philpott diverted OxyContin (oxycodone, Schedule II) from the patient's pill box for her own personal and unauthorized use.
3. On April 17, 2014, Ms. Philpott left a voicemail message with Board staff indicating her desire to surrender her certificate.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-25-100(2)(c) of the Regulations Governing Certified Nurse Aides.

CONSENT

Kristen Philpott, C.N.A., 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 as a nurse aide 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 The Board ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Kristen Philpott's certificate to practice as a nurse aide in the Commonwealth of Virginia.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Philpott shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and

competent practice as a nurse aide. Ms. Philpott shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

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:

Kristen Philpott
Kristen Philpott, C.N.A.

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

Subscribed and sworn to before me, Theresa F. Moore (For Kristen Philpott), a Notary Public, this 20th day of July, 2014.

My commission expires 5-31-2016.

Registration Number 222766



Theresa F. Moore
NOTARY PUBLIC

Certified True Copy
By [Signature]
Virginia Board Of Nursing