

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

AUGUST S. OLINGER, R.N.

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 29, 2009, in Henrico County, Virginia, to inquire into evidence that August S. Olinger, R.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia. The case was presented by Amanda E. Mitchell, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Olinger was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

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

FINDINGS OF FACT

1. August S. Olinger, R.N., was issued License No. 0001-194797 to practice as a professional nurse in the Commonwealth of Virginia on February 24, 2005. Said license expires on August 31, 2010.
2. By stipulation, Ms. Olinger acknowledged a long history of substance abuse and mental health issues as evidenced by her own admission of cocaine and marijuana use, and as revealed in a urine drug screen conducted on August 19, 2007, which was positive for cannabinoids and cocaine, upon her admission to Lewis Gale Medical Center, Salem, Virginia, for complaints of chest pain after using cocaine. Ms. Olinger subsequently transferred to Lewis Gale Behavioral Health on or about August 21, 2007, for treatment for cocaine abuse and depression.
3. Ms. Olinger reported past recreational drug use, but stated that she has been drug free since August 19, 2007. She currently works two jobs, one at Smyth County Community Hospital in the swing

unit, and another at Bristol Tennessee Regional Medical Center Hospital as a float nurse, since February and March, 2008 respectively. She further reported that she has had negative drug screens administered by her employers. She reported that her family and church group constitute her support system. However, other than her testimony, Ms. Olinger provided no current documentary or testimonial evidence of her abstinence, current mental health condition or employment.

CONCLUSIONS OF LAW

The Board concludes that: Finding of Fact #2 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time, contingent upon Ms. Olinger's compliance with the following terms and conditions:

a. August S. Olinger shall enter into the Health Practitioners' Intervention Program ("HPIP"), pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPIP, and shall have proof of entry into a Contract with the HPIP provided to the Board within 45 days of the date this Order is entered.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of August S. Olinger, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Olinger shall be noticed to appear before the Board at such time as the Board is notified that:

a. She has failed to make application to the HPIP;

b. She is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;

c. 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

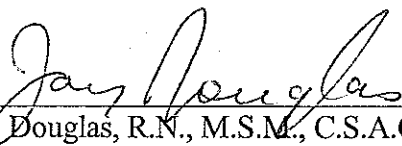
d. She has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Olinger's participation in and compliance with the HPIP, the Board, at its discretion, may waive Ms. Olinger's appearance before the Board and conduct an administrative review of this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

3. This Order is applicable to Ms. Olinger's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Olinger 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.

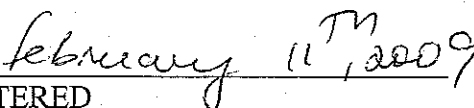
4. Ms. Olinger shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

FOR THE BOARD



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



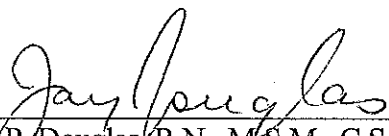
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to August S. Olinger, R.N., at 1166 Laurel Springs Road, Marion, Virginia 24354.



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

February 11th, 2009

DATE