

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: AUGUST S. OLINGER, R.N.**

**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 June 17, 2008, in Henrico County, Virginia. Ms. Olinger was present and was not represented by legal counsel. Nancy K. Durrett, R.N, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Olinger 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. August S. Olinger was issued License No. 0001-194797 to practice professional nursing in Virginia on February 24, 2005. The license is current.
2. By letter dated May 19, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Olinger notifying her that an informal conference would be held on June 17, 2008. The Notice was sent by certified and first class mail to 704 Cleghorn Valley Road, Marion, Virginia 23454, the address of record on file with the Board of Nursing.
3. By her own admission, Ms. Olinger used cocaine and marijuana. In fact, upon her admission to Lewis Gale Medical Center, Salem, Virginia, for complaints of chest pain after using

cocaine, she submitted to a urine drug screen which was positive for cannabinoids and cocaine. She was subsequently transferred to Lewis Gale Behavioral Health on August 21, 2007, for treatment for cocaine abuse and depression.

4. At the informal conference, Ms. Olinger stated that she used cocaine for approximately four months in an attempt to alleviate her panic attacks. She stated that following her discharge from Lewis Gale Behavioral Health, she attended outpatient treatment for one month. She reported that she is currently under treatment for Attention Deficit Disorder and panic attacks. She indicated that her panic attacks are now under control.

5. Ms. Olinger reported that her sobriety date is August 19, 2007.

6. Ms. Olinger's supervisor at the employment she held at the time she was admitted to the hospital stated to an investigator with the Virginia Department of Health Professions that she had no reason to suspect that Ms. Olinger was using or diverting drugs.

7. Ms. Olinger stated that she has been working PRN at two different hospitals since March 2008.

### **CONCLUSIONS OF LAW**

Finding of Fact #3 constitutes a violation of § 54.1-3007(6) of the Code.

### **ORDER**

WHEREFORE, it is hereby ORDERED 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 90 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.

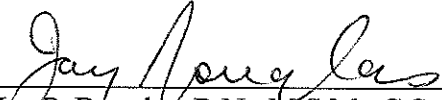
3. This Order is applicable to Ms. Olinger's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Olinger shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without 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.

This Order is subject to appeal to the Board. If Ms. Olinger desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

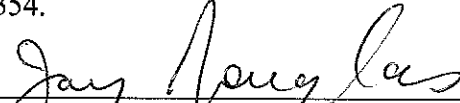
FOR THE BOARD

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

Entered: September 30<sup>th</sup>, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to August S. Olinger, R.N., at 704 Cleghorn Valley Road, Marion, Virginia 24354.

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

September 30<sup>th</sup>, 2008  
DATE