

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KARIN GOODBAR, C.N.A.
Certificate No. 1401-154362

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 20, 2013, in Henrico County, Virginia. Karin Goodbar, C.N.A., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 18, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Goodbar 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. Karin Goodbar, C.N.A., was issued Certificate No. 1401-154362 to practice as a nurse aide in Virginia on July 17, 2012. The certificate is scheduled to expire on July 31, 2014.
2. By letter dated May 22, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Goodbar notifying her that an informal conference would be held on June 20, 2013. The Notice was sent by certified and first class mail to 103 Swinley Forest, Williamsburg, Virginia 23188, the address of record on file with the Board of Nursing.
3. During her employment at Comfort Keepers, Williamsburg, Virginia, on February 15, 2013, Ms. Goodbar reported to Client A's home after consuming alcohol, and fell asleep while on duty.

2013, Ms. Goodbar reported to Client A's home after consuming alcohol, and fell asleep while on duty.

4. Comfort Keepers hired Ms. Goodbar on December 27, 2012, and terminated her employment on February 18, 2013, as a result of the above incident.

5. In Ms. Goodbar's application for certification by examination received by the Board on June 19, 2012, she answered "No" to the question "Have you ever been convicted of, pled guilty to or pled no contest to the violation of any federal, state, or other law constituting a felony or misdemeanor excluding traffic violations except convictions for driving while intoxicated (DWI) or driving under the influence (DUI)?" when, in fact, Ms. Goodbar was convicted of driving while intoxicated, first offense, in the Williamsburg/James City County, Virginia, General District Court, on July 1, 2011.

6. Ms. Goodbar was treated at the Sentara Williamsburg Regional Medical Center, Williamsburg, Virginia, for alcohol intoxication on March 23, 2012; April 3, 2012; and July 14, 2012.

7. From June 2011 to January 2013, Ms. Goodbar was treated at the Family Living Institute, Williamsburg, Virginia, where she was diagnosed with major depressive disorder, generalized anxiety disorder, and alcohol abuse.

8. On March 26, 2013, Ms. Goodbar signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"), and signed a Recovery Monitoring Contract with the HPMP on April 15, 2013.

9. In an HPMP Compliance Report dated June 13, 2013, Ms. Goodbar's case manager stated that Ms. Goodbar is in compliance with the program.

10. At the informal conference, Ms. Goodbar stated that her date of sobriety is February 24, 2013. Ms. Goodbar attends substance abuse counseling once a week, Alcoholics Anonymous on a daily basis, and Caduceus meetings twice a month. Ms. Goodbar also has a sponsor at Alcoholics Anonymous. She is currently attending group therapy at Colonial Behavioral Health, Williamsburg, Virginia, and will

finish the 16-week program on July 31, 2013. Her substance abuse counselor at Colonial Behavioral Health stated in a letter dated June 5, 2013, that Ms. Goodbar has had eight alcohol breathalyzer tests, all of which have been negative, and that Ms. Goodbar has gained insight into her addiction and reports her commitment to remaining sober and in recovery.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) and (6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides.
3. Findings of Fact Nos. 6 and 7 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Karin Goodbar, C.N.A., is hereby REPRIMANDED.
2. The Board shall TAKE NO FURTHER ACTION contingent on the following conditions:
 - a. Karin Goodbar, C.N.A., shall continue to comply with all terms and conditions of the HPMP for the period specified by the HPMP.
 - b. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Ms. Goodbar, and an administrative proceeding shall be held to decide whether her certificate should be revoked. Ms. Goodbar shall be noticed to appear before the Board at such time as the Board is notified that:
 - i. Ms. Goodbar is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - ii. There is a pending investigation or unresolved allegation against Ms. Goodbar involving a violation of law or regulation or any term or condition of this Order; or

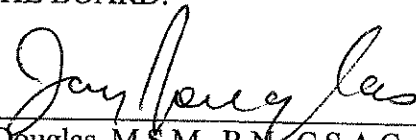
iii. Ms. Goodbar has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Goodbar's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Goodbar's appearance before the Board and conduct an administrative review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

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

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. Goodbar may, not later than 5:00 p.m., on **October 28, 2013**, 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: September 23, 2013 RD

This Order shall become final on October 28, 2013; unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing