

VIRGINIA:

BEFORE THE BOARD OF NURSING

RE: DEBORAH SUSAN HEISLER, R.N., L.N.P.

ORDER

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended (the "Code"), a formal administrative hearing was held before a panel of the Board of Nursing (the "Board") on February 20, 2002, in Henrico County, Virginia, to receive and act upon evidence that Deborah Susan Heisler, R.N., L.N.P., (a.k.a: Deborah Bradley Heisler and Deborah Woodson) may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was presented by Emily Wingfield, Assistant Attorney General. Howard M. Casway, Assistant Attorney General, was present as legal counsel for the Board. Ms. Heisler was not 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. Deborah Susan Heisler, R.N., L.N.P., previously held License No. 0001-066306 to practice professional nursing in the Commonwealth of Virginia, issued by the Board of Nursing, which expired on August 31, 2001. She also previously held License Nos. 0024-066306 to practice as a nurse practitioner and 0017-000848 for prescriptive authority, issued by the Committee of the Joint Boards of Nursing and Medicine, which expired on August 31, 2001.
2. By Consent Orders entered May 12, 2000, by the Committee of the Joint Boards of Nursing and Medicine and by the Board of Nursing, Ms. Heisler was required to submit

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to a mental health evaluation, and to refrain from practice as a nurse practitioner until those results were considered by a Special Conference Committee. Results of a mental health evaluation were not received by the Board until October 6, 2000, from Nona M. Puckett, Med, LPC, CEAP, Brookneal Counseling Center, Brookneal, Virginia. In the results received, of only a partial evaluation, Ms. Puckett reported: "...final recommendations are inconclusive due to not receiving requested documentation. With a history of two (2) DUI's I feel substance abuse treatment is indicated, but due to her lack of follow through and the degree of difficulty obtaining a clear history, I would recommend as well some intensive therapy..."

3. During the course of Ms. Heisler's employment at Westlake Family Practice of the Lewis-Gale Clinic, Moneta, Virginia, and Bonsack Family Practice of the Lewis-Gale Clinic, Roanoke, Virginia, from on or about December 3, 1997, to on or about March 31, 1999:
 - A. On or about February 19, 1999, a day Ms. Heisler was not scheduled to work, she accompanied Individual A, her husband, to Westlake Family Practice. Ms. Heisler requested treatment and pain medication for Individual A, who allegedly was involved in a motor vehicle accident on or about February 17, 1999. Gretchen Deel, M.D., authorized Stadol (butorphanol), a Schedule IV controlled substance, and Phenergan (promethazine), a Schedule VI controlled substance, which Ms. Heisler administered. X-rays of Individual A's knee and ribs were taken, and Ms. Heisler drew blood. Ms. Heisler then stated to staff that the Stadol was not working and that she was going to administer Nubain (nalbuphine), a Schedule VI controlled substance. Dr. Deel denies authorizing this medication. Further, when Ms. Heisler signed out the medication on the drug inventory sheet,

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she signed the initials of Individual B instead of her own name.

B. Ms. Heisler regularly obtained samples of medications for unauthorized use.

Specifically:

- 1) Ms. Heisler took samples of Ultram (tramadol), a Schedule VI controlled substance of abuse potential, for Individual A's use. Between on or about February 19, 1999, and on or about March 5, 1999, office staff were unable to account for approximately 100 tablets of Ultram. Between on or about March 5, 1999 and March 17, 1999, office staff were unable to account for approximately 67 tablets of Ultram.
- 2) In approximately February 1999, Ms. Heisler asked Jefferson Liverman, M.D., for samples of Ultram for a family member, and then took approximately forty (40) tablets of Ultram from the drug closet at the Bonsack Clinic.
- 3) On several occasions while on leave from the clinic, Ms. Heisler telephoned Individual B and asked her to put sample medications aside for Ms. Heisler, including one occasion when Ms. Heisler requested and received approximately seventeen (17) packages of Ultram samples.
- 4) On or about February 23, 1999, Ms. Heisler took samples of Biaxin (clarithromycin) and Levaquin (levofloxacin), both Schedule VI controlled substances, from the drug closet and told the receptionist that the samples were for a patient. By her own admission, Ms. Heisler gave these medications to her babysitter and made no documentation of giving her these medications.

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- 5) Ms. Heisler asked Individual B to remind drug salespersons to leave samples of drugs for migraine headaches and antibiotics for her personal use and, in her written statement to the Department of Health Professions' Investigator, Ms. Heisler stated that pharmaceutical representatives wanted she and her family to "try their products."
 - 6) Ms. Heisler maintained sample medications in her desk drawers, although Dr. Deel had instructed Ms. Heisler not to do so.
 - 7) By her own admission, Ms. Heisler carried drug samples "everywhere" she "go[es]" in a canvas bag.
- C. Ms. Heisler excessively administered Stadol to her patients. From on or about March 30, 1998, to on or about February 19, 1999, Ms. Heisler made 45 of the 57 entries on the inventory sheet for Stadol. Further, Ms. Heisler continued to order Stadol without a physician's written order or approval for her patients after July 1, 1998, when Stadol was changed to a Schedule IV controlled substance.
- D. Ms. Heisler made numerous documentation errors to include:
- 1) On or about May 7, 1998, and on or about June 15, 1998, Ms. Heisler signed out Stadol, then a Schedule VI controlled substance, on the drug inventory sheet for Patient C, but failed to document the administration of this medication on Patient C's chart.
 - 2) On or about May 27, 1998, Ms. Heisler signed out Stadol on the drug inventory sheet for Patient E and documented the administration of Stadol to Patient E. However, Patient E's chart indicates that she is allergic to Stadol.

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- 3) On or about June 19, 1998, Ms. Heisler signed out Stadol on the drug inventory sheet for Patient D, but failed to document the administration of this medication on Patient D's chart.
- 4) On or about November 3, 1998, Ms. Heisler signed out Stadol on the drug inventory sheet for Patient F, but failed to document the administration of this medication on Patient F's chart. Further, Ms. Heisler did not have a physician's written order or approval for this medication.
- 5) On or about June 4, 1998, Ms. Heisler signed out Nubain on the drug inventory sheet for Patient G, but failed to document the administration of this medication on Patient G's chart.
- 6) On or about June 30, 1998, Ms. Heisler signed out Nubain on the drug inventory sheet for Patient E, but failed to document the administration of this medication on Patient E's chart.
- 7) On or about May 27, 1998, and June 24, 1998, Ms. Heisler signed out Toradol on the drug inventory sheet for Patient E, but failed to document the administration of this medication on Patient E' chart. Further, Patient E's chart indicates that she is allergic to Toradol.
- 8) On or about May 28, 1998, and January 12, 1999, Ms. Heisler signed out Toradol (ketorolac tromethamine), a Schedule VI controlled substance, on the drug inventory sheet for Patient C, but failed to document the administration of this medication on Patient C's chart.
- 9) On or about July 6, 1998, Ms. Heisler signed out Toradol on the drug inventory sheet for Patient H, but failed to document the administration of

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this medication on Patient H's chart.

10) On or about September 8, 1998, Ms. Heisler signed out Toradol for Patient G on the drug inventory sheet, but failed to document the administration of this medication on Patient G's chart.

11) On or about December 14, 1998, Ms. Heisler administered Valium (diazepam), a Schedule IV controlled substance, to Patient C without a physician's written order or approval.

E. On or about February 12, 1999, Ms. Heisler did not appear for work although she had patients scheduled and no physician was at the clinic to cover her patients for her.

4. By her own admission, Ms. Heisler was convicted of driving under the influence in Bedford County, Virginia, in approximately 1996.

5. On or about June 6, 1999, Ms. Heisler was arrested and charged with obtaining drugs by fraud, a felony. On or about September 20, 1999, in the Circuit Court for Franklin County, Virginia, Ms. Heisler entered a plea of not guilty and was tried and convicted, to-wit: "that on or about February 19, 1999, in the County of Franklin, Virginia, Deborah Susan Heisler unlawfully and feloniously, by fraud, deceit, misrepresentation or subterfuge, did obtain a controlled substance, to-wit: Nubain, a violation of Virginia Code § 18.2-258.1." On or about October 21, 1999, after hearing the additional evidence and argument of counsel, the Court set aside the previous finding of guilt, and withheld finding and sentencing for a period of twelve (12) months, conditional upon Ms. Heisler's keeping the peace and being of good behavior, and being placed on supervised probation under the terms and conditions previously adopted, for a period of twelve (12) months

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from October 20, 1999. The case was continued to be set for review on September 26, 2000.

6. On or about December 16, 1999, in the General District Court of Franklin County, Virginia, Ms. Heisler was found guilty and convicted of a class one (1) misdemeanor, to-wit: "on or about November 12, 1999, did unlawfully, in violation of Section 18.2-226, Code of Virginia, operate a motor vehicle while under the influence of alcohol or other self-administered intoxicants." Ms. Heisler was fined \$300; sentenced to 30 days in jail, suspended; referred to VASAP; your driver's license was restricted and suspended for a year; and you were ordered to pay court costs.
7. On or about February 8, 2000, Ms. Heisler was again before the Circuit Court for Franklin County, Virginia, for a Violation of Probation hearing, as a result of her 1999 driving under the influence conviction. Ms. Heisler's probation was continued indefinitely, and she was sentenced to thirty (30) days jail time, suspended; and placed under intensive supervision by a probation officer, to include substance abuse counseling and or/testing at the direction of the probation officer.
8. On or about April 25, 2000, Ms. Heisler signed a Participation Contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code of Virginia (1950), as amended, and 18 VAC 76-10-10, et. seq., of the Regulations Governing the HPIP, with the understanding that the program is to assist those persons who have an impairment, defined as "a physical or mental disability, including, but not limited to substance abuse, that substantially alters the ability of a practitioner to practice his profession with safety to his patients and the public."
9. On or about October 4, 2000, Ms. Heisler's probation officer reported that she had spoken

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with Ms. Heisler on a day when Ms. Heisler was working a 24 hour shift at three (3) different facilities.

10. On November 8, 2000, in the Circuit Court for Franklin County, Virginia, the Court reimposed the finding of guilt and sentenced Ms. Heisler to incarceration with the Virginia Department of Corrections for one (1) year, suspended, conditional upon her being of good behavior and being placed on supervised probation to commence on that date. Ms. Heisler was to be under the supervision of a probation officer for a period of three (3) years, and probation terms were to include substance abuse counseling and/or testing as prescribed by the probation officer, and any substance abuse screening, assessment, testing and treatment as directed by the Department of Corrections. Ms. Heisler was ordered to pay \$348 in court costs immediately.
11. During the course of Ms. Heisler's employment with Woodhaven Nursing Home, Montvale, Virginia, between on or about November 17, 2000, and December 4, 2000:
 - A. On or about November 29, 2000, December 2, 2000, and December 3, 2000, Ms. Heisler was observed sleeping on duty. As a result, her employment was terminated on or about December 4, 2000.
 - B. During the employment application process, Ms. Heisler had failed to indicate that her licenses were under terms by the Board requiring her to obtain a mental evaluation. When confronted with this after being hired, Ms. Heisler fraudulently minimized the situation to her supervisor. Ms. Heisler also failed to disclose to her employer that she was under an HPIP contract with Virginia Monitoring, Inc., Hampton, Virginia.
 - C. Ms. Heisler exhibited bizarre behavior, to include:

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- 1) Leaving medications open and unattended on the medication cart and the medication keys on the desk during her shift on two (2) occasions;
 - 2) Failing to appropriately handle a bottle of Ativan (lorazepam, Schedule IV) brought in by a family member, specifically: failing to make a control sheet for the Ativan until pressed by staff, then placing the drug and the control sheet in an area away from the controlled substances, and inappropriately conducting a count of the Ativan in which she had certified nurse aides sign as witnesses to the count they had not actually seen; and,
 - 3) Taking it upon herself to rearrange the treatment cart, after which as many as 30 rolls of Kerlex gauze were discovered missing from the cart.
12. By Order entered February 26, 2001, by the Department of Health Professions, Ms. Heisler's licenses to practice as a professional nurse and as a nurse practitioner were mandatorily suspended based on her felony conviction in Franklin County, Virginia, of obtaining Nubain by fraud. On or about April 25, 2001, this Order was vacated, and Ms. Heisler's licenses were reinstated by the Department of Health Professions. This was based on an Order entered April 10, 2001, by the Circuit Court for Franklin County, Virginia, which granted a motion for re-consideration, set aside the findings of guilt on the felony charge, and found Ms. Heisler guilty of a misdemeanor, to-wit: "possession of a schedule VI controlled substance" under Virginia Code Section 18.2-250. The previous sentence was set aside and Ms. Heisler was sentenced to confinement in jail for a period of twelve (12) months, suspended, upon condition that she remain on supervised probation for an indefinite period as previously ordered.
13. As of July 13, 2001, Virginia Monitoring, Inc., Hampton, Virginia, considered Ms.

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Heisler not in compliance with her HPIP contract, based on Ms. Heisler's failure to complete her required mental health evaluation, her lack of cooperation and communication, her accepting employment at Woodhaven Nursing Home without the knowledge of Virginia Monitoring, Inc., Hampton, Virginia, and her failure to enter into a recovery monitoring contract. Ms. Heisler was sent a revised contract on that date and given two (2) weeks to sign the contract before her dismissal from the program would be requested.

14. Based upon the representations of Emily Wingfield, Assistant Attorney General, and Commonwealth's Exhibit No. 2A, the presiding officer ruled that adequate notice was provided to Ms. Heisler and the hearing proceeded in the absence of Ms. Heisler.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes that Deborah Susan Heisler, R.N., L.N.P., has violated § 54.1-3007(2), (3), (4), (5) and (6) of the Code of Virginia (1950), as amended; 18 VAC 90-20-300(A)(2)(c) and (e) of the Board of Nursing regulations; and the terms and conditions of the Order of the Board of Nursing entered May 12, 2000.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the right of Deborah Susan Heisler, R.N., L.N.P., to renew License No. 0001-066306, issued to Ms. Heisler to practice professional nursing in the Commonwealth of Virginia, be and hereby is INDEFINITELY SUSPENDED. Ms. Heisler may petition the Board after not less than three (3) years from the date of entry of this Order for reinstatement of her license to practice professional nursing, at which time a meeting will be convened to receive evidence satisfactory to the Board that Ms. Heisler is able to resume the safe and competent practice of nursing.

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Upon entry of this Order, the license of Deborah Susan Heisler, R.N., L.N.P., will be recorded as indefinitely suspended and no longer current. Consistent with the terms of this Order, in the event that she seeks reinstatement of her license, Ms. Heisler shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to § 2.2-4023 of the Code of Virginia (1950), as amended, 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.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Heisler has thirty (30) days from the service date in which to appeal this decision by filing a Notice of Appeal with Nancy K. Durrett, R.N., M.S.N., Executive Director, Board of Nursing, 6606 W. Broad Street, Fourth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Ms. Heisler actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

FOR THE BOARD

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

February 25, 2008
ENTERED

DEBORAH SUSAN HEISLER, R.N., L.N.P.

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Deborah Susan Heisler, R.N., L.N.P., at 109 Mountain Lane Terrace, Vinton, Virginia 24179.

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

February 25, 2002
DATE