



COMMONWEALTH of VIRGINIA

Department of Health Professions

Board of Nursing

Nancy K. Durrett, R.N., M.S.N.
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January 23, 2002

AMENDED

Deborah Susan Heisler, R.N., L.N.P.
109 Mountain Lane Terrace
Vinton, Virginia 24179

CERTIFIED MAIL

7106 4575 1294 3555 8883

RE: Notice of Formal Hearing
February 20, 2002, at 9:00 a.m.

Dear Ms. Heisler:

Enclosed please find a Notice of Hearing, which is scheduled for **February 20, 2002, at 9:00 a.m.** at the Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. **Please be advised that the time of your hearing has changed from 10:00 a.m. to 9:00 a.m.** Arrangements should be made for you to be there a half hour early.

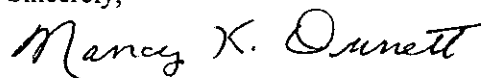
You have the right to have a copy of the investigative report and supporting documents, which may be used as evidence at your hearing. Please be advised that these documents have been forwarded to you previously sent to on January 17, 2002 via certified mail.

Prior to the hearing, it is the Board's intention to distribute these documents to the members of the Board who will conduct the hearing. If you have any objections to the materials, please contact Ann L. Tiller, Senior Adjudication Analyst, Administrative Proceedings Division, at (804) 662-7443 before February 4, 2002. If you do not object to this proposed distribution before February 4, 2002, the Board will assume that you have no objection to the Board member's prior review of the documents. Failure to object to the distribution prior to the hearing will not affect your right to contest any information contained in these documents at the hearing.

Also, enclosed are the Consent Orders previously offered to you. Should you wish to accept the enclosed Consent Orders in lieu of the scheduled hearing, please sign both Orders before a Notary Public and **return all pages** to this office within ten (10) days of receipt, or no later than 5:00 p.m. on January 25, 2002.

Please advise us whether or not you plan to be present for the hearing no later than February 4, 2002. If you should have any questions, please contact us at the above number.

Sincerely,



Nancy K. Durrett, R.N., M.S.N.
Executive Director

NKD/alt/klb

Enclosures

cc: John W. Hasty, Director, Department of Health Professions
James Banning, Director for Administrative Proceedings
Members, Special Conference Committees
Sandra Barton, Senior Investigator (53810)
Patricia Fisher, Investigator (79696)
Emily O. Wingfield, Assistant Attorney General
Ann L. Tiller, Senior Legal Assistant
Katherine G. Wax, Probation Review Analyst
Donna P. Whitney, L.P.N., C.S.A.C, Intervention Program Committee Coordinator

VIRGINIA:

BEFORE THE BOARD OF NURSING AND THE COMMITTEE
OF THE JOINT BOARDS OF NURSING AND MEDICINE

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

AMENDED

NOTICE OF HEARING

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended, Deborah Susan Heisler, R.N., L.N.P., (a.k.a: Deborah Bradley Heisler and Deborah Woodson) is hereby given notice that, pursuant to § 2.2-4024 F, a formal administrative hearing will be held in the presence of a panel of the Board of Nursing ("the Board"), and in the presence of the Committee of the Joint Boards of Nursing and Medicine ("Committee") with the Chairman of the Committee presiding. The hearing will be held on **February 20, 2002, at 9:00 a.m.** at the offices of the Department of Health Professions, (Southern States Building), 6606 West Broad Street, Fourth Floor, Richmond, Virginia, at which time Ms. Heisler will be afforded the opportunity to be heard in person or by counsel.

At the hearing Ms. Heisler has the following rights, among others: the right to representation by counsel, the right to have witnesses subpoenaed and to present witnesses on her behalf, the right to present documentary evidence and the right to cross-examine adverse witnesses. If Ms. Heisler desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, 6606 West Broad Street, Richmond, Virginia 23230-1717, giving the names and addresses of the witnesses, at least fifteen (15) days prior to the date of the hearing in order that subpoenas may be issued.

The purpose of the hearing is to receive and act upon evidence that Ms. Heisler may have

violated certain laws and regulations governing the practice of nursing and regulations governing the practice of nurse practitioners in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board and the Committee allege that Deborah Susan Heisler, R.N., L.N.P., may have violated § 54.1-2957.01(B), § 54.1-3007(2), (3), (4), (5) and (6), § 54.1-3303(D), and § 54.1-3408(A) of the Code of Virginia (1950), as amended; 18 VAC 90-30-220(3), (4) and (6) of the regulations governing the licensure of nurse practitioners in the Commonwealth of Virginia; 18 VAC 90-20-300(A)(2)(c) and (e) of the Board of Nursing regulations; and 18 VAC 90-40-130(A) of the regulations for prescriptive authority for licensed nurse practitioners, and the terms and conditions of the Orders entered May 12, 2000, in that:

1. 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 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..."
2. 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 a Health Practitioners' Intervention Program contract with Virginia Monitoring, Inc., Hampton, Virginia.
 - c. Ms. Heisler exhibited bizarre behavior, to include:
 - 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.
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, 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.
- 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.
 - 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 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 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; her driver’s license was restricted and suspended for a year; and she was 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 October 4, 2000, Ms. Heisler’s probation officer reported that she had spoken with Ms. Heisler on a day when Ms. Heisler was working a 24 hour shift at three (3) different facilities.
9. On November 8, 2000, in the Circuit Court for Franklin County, Virginia, the Court re-imposed 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.

10. 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.
11. 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."
12. As of July 13, 2001, Virginia Monitoring, Inc. considered Ms. 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., 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.

FOR THE BOARD

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

ENTERED: *January 27, 2002*