

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JULIA MCKINNIS, R.N.
License No.: 0001-136083

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 March 18, 2013, in Henrico County, Virginia, to inquire into evidence that Julia McKinnis, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Anne Glick Joseph, Deputy Director, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. McKinnis 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. Julia McKinnis, R.N. was issued License No. 0001-136083 to practice professional nursing by the Virginia Board of Nursing on December 16, 1993. Said license was summarily suspended by Order of the Board entered February 1, 2013. Her primary state of residence is Virginia.
2. During the course of her employment as owner and administrator of Angel Wings Home Care, Danville, Virginia, on multiple occasions between October and December 2012, Ms. McKinnis diverted Client A's OxyContin 60mg (Schedule II) and oxycodone 5mg (Schedule II), maintaining them in her personal and unauthorized possession. The medications were found to have been replaced with an over-the-counter pain reliever, depriving Client A of relief from her chronic pain.
3. Ms. McKinnis testified that she took control of Client A's narcotic medications on or about November 2011 in an attempt to prevent future medication losses. It was her practice to keep the narcotic

bottles in her home and to bring them to Client A's home for periodic dispensing. Ms. McKinnis testified that she placed Client A's narcotic medications as well as her own personal medications in an unsecure makeup pouch that she carried around with her and oftentimes left the pouch in her car. The rest of Client A's non-narcotic medications were kept at the client's home. On December 5, 2012, an investigator for the Department of Health Professions visited the home of Client A and photographed the pill dispensers that Ms. McKinnis had filled. There were no OxyContin 60mg or oxycodone 5mg in the pill dispensers. There were numerous pills that were later identified as over-the-counter Motrin. The Department investigator testified that when asked to explain the presence of Motrin in the Client A's pill dispenser, Ms. McKinnis offered no explanation for the absence of OxyContin 60mg except that both medications bottles were kept in her makeup pouch and may have been comingled.

4. During the course of the investigation into this matter, Ms. McKinnis informed the investigator that she intended to cease handling Client A's medications. She stated that she planned to send the bottles of OxyContin 60mg and oxycodone 5mg back to Client A. The package that Ms. McKinnis sent to Client A was mis-addressed, and a personal care aide advised the local post office to send the package to the Angel Wings office. The investigator opened the package at the Angel Wings office in the presence Ms. McKinnis' son, who was also an employee of Angel Wings. There was only one bottle in the package. The OxyContin 60mg labeled bottle contained a paper napkin and 37 over-the-counter Motrin pills.

5. By her own admission, on at least one occasion, Ms. McKinnis also placed Lortab (hydrocodone combination product, schedule III) from her own prescription in Client A's pill dispenser.

6. During a December 10, 2012 interview with the Department of Health Professions investigator, Ms. McKinnis acknowledged that she was prescribed morphine for chronic pain and that she may have a narcotic addiction. She stated that she intended to enter an inpatient substance abuse treatment center for treatment of her narcotic addiction. Ms. McKinnis thereafter received "rapid detox" treatment at The Coleman Institute, Richmond, Virginia, from December 14 to December 18, 2012. She currently has a naltrexone implant

which she intends to continue to use through December, 2013. She testified that she attends Christian counseling once a week and has attended one NA meeting. Ms. McKinnis was diagnosed with depression by Dr. Coleman during detox treatment and remains on Zoloft . Ms. McKinnis stated that she last used narcotics on December 14, 2012.

7. Ms. McKinnis testified that while her judgment in handling Client A's medications was clouded as a result of her narcotic addiction, she denied taking the narcotics as alleged. She further acknowledged that she was lax in securing Client A's medications. Criminal charges for obtaining medications by fraud are pending against her.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (f) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 6 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. License No. 0001-136083 issued to Julia McKinnis, R.N., to practice professional nursing in the Commonwealth of Virginia is continued on INDEFINITE SUSPENSION.
2. The license will be recorded as SUSPENDED and no longer current. Should Ms. McKinnis seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.
3. At such time as Ms. McKinnis shall petition the Board for reinstatement of her license, a hearing will be convened to determine whether she is able to return to the safe and competent practice of nursing.
4. This Order shall be applicable to Ms. McKinnis' multistate licensure privileges, if any, to practice professional nursing.

5. Said suspension shall be STAYED upon proof that Ms. McKinnis has entered into the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with the following terms and conditions:

a. Ms. McKinnis shall 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 summarily rescinding the stay of indefinite suspension of the license of Ms. McKinnis, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. She is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

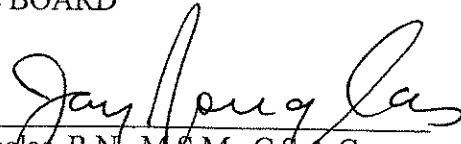
6. Upon receipt of evidence of Ms. McKinnis' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order shall be applicable to Ms. McKinnis' multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. McKinnis may 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.

8. Ms. McKinnis 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

March 26th, 2013

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, Henrico, 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.

Certified True Copy
By 
Virginia Board of Nursing