

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KATHLEEN M. DEWEIN, L.P.N.
 License No.: 0002-056011**

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 July 15, 2015, in Henrico County, Virginia, to inquire into evidence that Ms. Dewein may have violated certain laws and regulations governing practical nursing practice in Virginia and certain terms and conditions imposed on her, as set forth in the Order of the Board entered on April 23, 2014. The case was presented by Amy Weiss, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Dewein 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. Kathleen M. Dewein, L.P.N., was issued License No. 0002-056011 to practice practical nursing in the Commonwealth of Virginia on April 21, 1998. Said license expired on May 31, 2015. Her primary state of residence is West Virginia.
2. Based upon the representations of Amy Weiss, Adjudication Specialist, and Commonwealth's Exhibit #1, the Notice of Formal Hearing, Statement of Particulars and Amended Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with Rose Hill Golden Living Center, Berryville, Virginia:
 - a. On August 13-15, 2013, Ms. Dewein falsely documented pain levels for a resident.

- b. On March 6, 2014, Ms. Dewein documented performing a dressing change and treatment on a resident that she did not actually perform.
 - c. On March 26, 2014, Ms. Dewein documented placing a catheter in a resident, and recorded 75cc of urine output, when, in fact, she did not provide the documented care. Ms. Dewein also falsely documented that the resident had worn his CPAP.
 - d. On November 5, 2013, Ms. Dewein documented a pain level and oxygen saturation for a resident who was not present at the facility.
 - e. On September 30, 2013, Ms. Dewein failed to complete lab draws on a resident.
 - f. On August 15, 2013, Ms. Dewein gave a resident medication belonging to another resident.
 - g. On November 12, 2013, Ms. Dewein failed to document administering immunizations in resident records.
 - h. On January 24, 2014, Ms. Dewein documented giving PPD tests to two residents and recorded them as being negative on that same date, when the tests were to be read on January 26, 2014.
 - i. On April 24, 2014, Ms. Dewein documented giving a PPD test to a resident and recorded it as being negative on that same date, when the test was to be read on April 26, 2014.
4. On her application for employment with Rose Hill Golden Living Center dated November 2, 2012:
- a. Ms. Dewein stated that her reason for leaving her employment with Evergreen Health and Rehabilitation, Winchester, Virginia was “hired @ Envoy,” when, in fact, her employment was terminated on February 15, 2012.
 - b. Ms. Dewein stated that her reason for leaving her initial employment with Rose Hill Golden Living Center in 2008 was “hired @ Evergreen,” when, in fact, her employment was terminated for testing positive for hydrocodone for which she did not have a valid prescription.

c. Ms. Dewein failed to list her employment with and termination from Willow Tree Manor, Charles Town, West Virginia.

5. Ms. Dewein did not respond to the contact attempts by the investigator with the Department of Health Professions during the investigation of the incidents at Rose Hill Golden Living Center.

6. By Order entered April 23, 2014 ("Board's Order"), the Board placed Ms. Dewein on probation under certain terms and conditions.

7. Ms. Dewein did not inform the Board of her employment termination from Rose Hill Golden Living Center, which occurred on May 30, 2014, until June 27, 2014, as required to be done in writing within ten days by Term No. 2 of the Board's Order.

8. Ms. Dewein did not have her employments with Rose Hill Golden Living Center and Dermatology Associates, Inc., approved by the Board, as required by Term No. 5 of the Board's Order.

9. The Board did not receive Ms. Dewein's report of her evaluation by a chemical dependency specialist until July 9, 2014, after the June 7, 2014 due date required by Term No. 6 of the Board's Order.

10. The Board did not receive the first set of random drug test results from Ms. Dewein until June 27, 2014, after the June 22, 2014 due date required by Term No. 8 of the Board's Order.

11. In e-mails dated June 26, 2015 and July 1, 2015, Ms. Dewein told her Compliance Case Manager that she wished to surrender her practical nursing license.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 3(a)-(c) constitute a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 3(d) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

3. Finding of Fact No. 3(e) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.
4. Findings of Fact Nos. 3(f)-(i) constitute a violation of § 54.1-3007(5) and (8) of the Code.
5. Findings of Fact Nos. 4(a)-(c) constitute a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.
6. Finding of Fact No. 7 constitutes a violation of Term No. 2 of the Board's Order.
7. Finding of Fact No. 8 constitutes a violation of Term No. 5 of the Board's Order.
8. Finding of Fact No. 9 constitutes a violation of Term No. 6 of the Board's Order.
9. Finding of Fact No. 10 constitutes a violation of Term No. 8 of the Board's Order.

ORDER


WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The right of Kathleen M. Dewein, L.P.N., to renew License No. 0002-056011 to practice practical nursing in the Commonwealth of Virginia is hereby REVOKED.
2. The license of Ms. Dewein will be recorded as REVOKED. Pursuant to § 54.1-2408.2 of the Code, should Ms. Dewein seek reinstatement of her license after three years, 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. The reinstatement of Ms. Dewein's license shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
3. At such time as Ms. Dewein shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.
4. This Order shall be applicable to Ms. Dewein's multistate licensure privileges, if any, to practice practical nursing.

5. Kathleen M. Dewein, L.P.N. is hereby REPRIMANDED.

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, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

August 6, 2015
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, MSM, RN, CSAC, FRE, 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 dgraham
Virginia Board Of Nursing