

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KRISTINE OLSON-HARLEY, R.N. REINSTATEMENT APPLICANT
License No.: 0001-077952

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 20, 2014, in Henrico County, Virginia, to receive and act upon Kristine Olson-Haley's application for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by Order of the Department of Health Professions entered June 25, 2013, and to inquire into evidence that Ms. Olson-Harley may have violated certain laws governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Olson-Harley 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. Kristine Olson-Harley, R.N., was issued License No. 0001-077952 to practice professional nursing in the Commonwealth of Virginia on September 10, 1980. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on June 25, 2013. Ms. Olson-Harley's primary state of residence is Virginia.
2. Ms. Olson-Harley submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on December 17, 2013.
3. On May 8, 2013, Ms. Olson-Harley's privilege to practice professional nursing was revoked

by the Tennessee Board of Nursing. This action was the result of Ms. Olson-Harley's termination from Bristol Medical Center, Bristol, Tennessee, for testing positive for marijuana, which violated Tennessee regulations regarding being under the influence of drugs which impair judgment while on duty.

4. By her own admission, Ms. Olson-Harley started smoking marijuana in college and continued to use it once or twice a month.

5. Ms. Olson-Harley testified that she is not addicted to marijuana or dependent on any other chemical and does not need counseling. She testified that she has not smoked marijuana for a year and a half.

6. Despite her testimony that she does not have a substance abuse issue, she testified that she contacted the Health Practitioners' Monitoring Program ("HPMP") and is attending weekly counseling sessions. Ms. Olson-Harley presented a HPMP Participation Contract as evidence that she entered the program.

7. Ms. Olson-Harley also testified that she did not want to return to direct patient care and would like to go into education, management, or legal counseling, or return to school.

8. Ms. Olson-Harley presented a letter of support, her HPMP Participation Contract, and two negative drug screens as evidence to the Board. Ms. Olson-Harley worked at the same employer for 32 years with no patient care concerns.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 4 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. The application of Kristine Olson-Harley for reinstatement of License No. 0001-077952 to

practice professional nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Ms. Olson-Harley be CONTINUED on INDEFINITE SUSPENSION. period. At such time as she 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 professional nursing.

2. Said suspension shall be STAYED upon the condition that she remain compliant with the following terms:

a. Ms. Olson-Harley 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. Olson-Harley, 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. Ms. Olson-Harley 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.

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

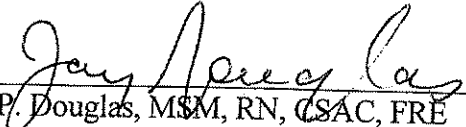
4. This Order shall be applicable to Ms. Olson-Harley's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Olson-Harley may

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.

5. Ms. Olson-Harley 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, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

april 10th 2014

ENTERED

Certified True Copy
By 

Virginia Board Of Nursing

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.