

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**ROBYN SAAVEDRA, R.N., L.N.P.**

**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 November 15, 2010, in Henrico County, Virginia, to inquire into evidence that Robyn Saavedra, R.N., L.N.P., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by James E. Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Saavedra was present and was represented by James Kane, Esquire. 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. Robyn Saavedra, R.N., L.N.P., was issued License No. 0001-158045 to practice professional nursing in Virginia on March 12, 1998. Said license is set to expire on February 29, 2012. Ms. Saavedra's primary state of residence is Virginia.
2. During the course of Ms. Saavedra's employment with H.E.L.P. Free Clinic, Hampton, Virginia, on September 17, 2007, she diverted a prescription pad from her employer for her personal and unauthorized use. Ms. Saavedra testified at the formal hearing that she had inadvertently removed a prescription pad from the H.E.L.P. Free Clinic but did not return it.
3. On September 13, 2009, Ms. Saavedra presented to Bayview Plaza Pharmacy, Norfolk,

Virginia, a prescription for 120 dosage units of 350 mg Soma (carisoprodol, Schedule VI), written on a H.E.L.P. Free Clinic prescription pad, dated September 10, 2009, in which she forged the name of a Powhatan Correctional Center physician as the prescriber. Ms. Saavedra received multiple prescriptions for Soma 350 mg from at least three pharmacies during the period of May, 2009, through September, 2009, as ~~authorized by Leila Kump, M.D., notwithstanding that said prescriptions were outside of a bona fide~~ physician-patient relationship.

4. On October 13, 2009, Ms. Saavedra's urine sample tested positive for oxazepam (Schedule IV), for which she did not have a current valid prescription. At the formal hearing, Ms. Saavedra denied having any substance abuse or impairment issues.

5. On May 12, 2008, Ms. Saavedra was convicted of misdemeanor reckless driving in the Powhatan County, Virginia, General District Court. This offense occurred after she admittedly had consumed a few alcoholic drinks and Dexedrine (dextroamphetamine, Schedule II) and had a blood alcohol level between .04 and .05.

6. Ms. Saavedra worked at the Powhatan Correctional Center, State Farm, Virginia, from November, 2007, to April, 2009. At the formal hearing, former co-workers described Ms. Saavedra's behavior during her employment as at times strange, sleepy, emotionally labile, unable to concentrate, and consistent with impairment, but no disciplinary action against Ms. Saavedra was taken.

7. Ms. Saavedra provided false information on her employment application with INOVA Mount Vernon Hospital, dated January 11, 2005, when she answered "No" to the question "Have you been convicted of or have you plead guilty to any crime or municipal ordinance violation including misdemeanors and traffic violations other than a parking ticket (including military service)?" Ms. Saavedra has been convicted on January 12, 1987, of misdemeanor driving while intoxicated and on July 23, 1988, of trespass after warning in Pinellas County, Florida, Circuit Court.

**CONCLUSIONS OF LAW**

1. Findings of Fact Nos. 2 and 3 constitute a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing ("Regulations").
2. Findings of Fact Nos. 2, 3, 4, and 5 constitute a violation of § 54.1-3007(6) of the Code.
- ~~3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-~~  
300(A)(2)(e) of the Regulations.
4. Ms. Saavedra is a candidate for participation in the Virginia Health Practitioners' Monitoring Program ("HPMP").

**ORDER**

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

1. Robyn Saavedra, R.N., L.N.P., is hereby REPRIMANDED.
2. License No. 0001-158045 issued to Robyn Saavedra, R.N., L.N.P., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon proof of entry into a contract with the HPMP and remain compliant thereto with the following terms and conditions:
  - a. Ms. Saavedra shall comply with all terms and conditions 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. Saavedra, 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. Saavedra 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.

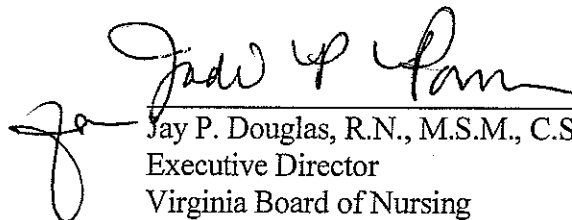
3. Upon receipt of evidence of Ms. Saavedra's participation in and successful completion of the terms specified by the HPMP, the Committee, at its discretion, may waive Ms. Saavedra's appearance before the Committee, and conduct an administrative review of this matter, at which time she may be issued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

4. This Order shall be applicable to Ms. Saavedra's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Saavedra 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. Saavedra shall maintain a course of conduct in his 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

November 23, 2010  
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.