

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KAY S. ARCHEVALD, R.N. REINSTATEMENT APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on October 19, 2009, in Henrico County, Virginia, to receive and act upon Kay S. Archevald’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Archevald may have violated certain laws governing professional nursing practice. Ms. Archevald was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kay S. Archevald was issued License No. 0001-096110 to practice professional nursing in the Commonwealth of Virginia on March 18, 1985. By Order entered September 12, 2008, Ms. Archevald’s license was summarily suspended. Pursuant to a Consent Order entered October 31, 2008, her license was continued on indefinite suspension due to findings that she diverted Demerol (meperidine, Schedule II) from patient supplies for her personal and unauthorized use.

2. Ms. Archevald submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on August 12, 2009.

3. Ms. Archevald is unable to safely practice nursing without monitoring, due to chemical abuse, as she acknowledged in signing a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) [formerly the Health Practitioners’ Intervention Program] on November 20, 2008.

4. On September 24, 2009, the Board received a report of noncompliance from the HPMP, subsequent to Ms. Archevald testing positive for alcohol. Ms. Archevald was placed on warning status and referred for a substance abuse evaluation at Lake View Psychotherapy. Ms. Archevald reported a sobriety date of September 5, 2009, and admitted to drinking beer Labor Day weekend. Ms. Archevald states that she now realizes that even though alcohol is not her drug of choice, it can be a substitute for her drug of choice and therefore equally dangerous for her to consume. Ms. Archevald submitted the HPMP Monthly Treatment Program Report, dated October 8, 2009, in which the therapist indicated that Ms. Archevald is in denial about her use of alcohol. Ms. Archevald submitted a copy of an intensive outpatient care agreement with Lake View Psychotherapy, which she signed October 14, 2009. She also submitted character reference letters and documentation of completion of 17 continuing education units. Ms. Archevald stated that she works as a driver for a realtor.

5. Ms. Archevald testified that she returned from California in November of 2008. At that time, she states that she entered into a 13 weeks of intensive treatment with New Bridges. She states that she presently attends AA twice a week and New Bridge meetings once a week. Currently she is involved with Lakeview for a more intensive treatment program.

6. Ms. Archevald verbalized that she is aware that she must remain compliant with HPMP and can only work within their guidelines and recommendations.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
2. Based on the above Findings of Fact, the Committee concludes that Kay S. Archevald is presently properly enrolled in the Health Practitioners' Monitoring Program ("HPMP").

3. Based on above Findings of Fact, the Committee concludes that that Kay S. Archevald is safe to practice within the monitoring guidelines of the contract with HPMP.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The license of Kay S. Archevald to practice professional nursing in the Commonwealth of Virginia is hereby REINSTATED.

2. Ms. Archevald shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Kay S. Archevald and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Archevald shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Archevald is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Archevald involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Archevald has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Archevald's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Archevald's appearance before the Board and conduct an administrative review of this matter.


4. This order shall be applicable to Ms. Archevald's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Archevald shall not work outside 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. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

5. Ms. Archevald 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 COMMITTEE


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: November 2, 2009


NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is

received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Kay S. Archevald at 805 Saltmeadow Bay Arch, Unit 404, Virginia Beach, Virginia 23451.


So Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

DATE: November 2, 2009