

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LINDA A. KEEN, R.N. REINSTATEMENT APPLICANT
License No.: 0001-215485

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 January 27, 2014, in Henrico County, Virginia, to receive and act upon the application of Linda A. Keen for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended on September 12, 2012, and to inquire into evidence that Ms. Keen may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Keen 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. Linda A. Keen was issued License No. 0001-215485 to practice professional nursing in the Commonwealth of Virginia on September 17, 2008. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on September 12, 2012. Her primary state of residence is Virginia.
2. Ms. Keen submitted an application for reinstatement of her license to the Board on October 8, 2013.
3. By Consent Order entered by the North Carolina Board of Nursing on August 16, 2012, Ms.

Keen surrendered her privilege to practice professional nursing in the State of North Carolina for a minimum of one year. Said action formed the basis of the mandatory suspension of her license in Virginia.

4. By Consent Agreement entered on December 3, 2012, by the Massachusetts Board of Registration in Nursing, Ms. Keen surrendered her license to practice professional nursing in the State of Massachusetts for not less than three years.

5. During the course of her employment with Granville Medical Center, Oxford, North Carolina, from March 2012 to July 2, 2012, Ms. Keen diverted medications for her personal and unauthorized use, including morphine, Dilaudid (hydromorphone) and Demerol (meperidine), all Schedule II controlled substances. Ms. Keen accomplished the diversion by signing out medications for patients in other departments that were not assigned to her. Ms. Keen's employment was terminated on July 10, 2012.

6. Ms. Keen has been diagnosed with osteoarthritis in her knee and lower leg. She has undergone knee replacement surgery and foot and ankle reconstruction. Ms. Keen reported that she failed to notify her treating physicians of her substance abuse. Further, as recently as July, 2013, Ms. Keen obtained two prescriptions for cough syrup containing narcotics. On or about November 13, 2013, Ms. Keen entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") wherein she acknowledged substance abuse.

7. On the application for reinstatement dated October 4, 2013, Ms. Keen falsely answered "no" to the question, "do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing," when, in fact, she has impairing physical and chemical dependency conditions as indicated above.

8. When questioned about answering "no" in regard to her having an impairment in her application for reinstatement, Ms. Keen testified that she knows that she is an addict and has physical impairments, but she answered no because she is taking care of her addiction and because she is taking care of it, she is not impaired to be a nurse. Ms. Keen testified that she knows that she has the impairment, but

she has to keep track of it.

9. Ms. Keen testified that her sobriety date is July 15, 2013. She stated that she is not currently prescribed any medication. She further testified that she has a support system in her family and friends, including the individuals who testified on her behalf at the hearing. Ms. Keen stated that she attends counseling, has a sponsor, and reentered the HPMP in 2013. She expressed that she is happy to be in the HPMP because it can help assist her in her recovery.

10. The intake coordinator for the HPMP testified that Ms. Keen signed a Participation Contract with the HPMP on November 13, 2013. Ms. Keen entered into a Recovery Monitoring Contract on January 21, 2014. The HPMP put together a recommended treatment plan for Ms. Keen and as far as he knew, she has been following the recommended plan.

11. At the hearing, Ms. Keen stated that she has treated her addiction physically, spiritually, and emotionally. Two of Ms. Keen's friends and neighbors testified on her behalf. They stated that they have known Ms. Keen since 2005 and lived with her from August 2012 until March 2013. They both stated that they did not witness her being under the influence of any drug while they lived with her. They also stated that Ms. Keen is a caring person and would be a good caregiver.

12. Ms. Keen's mentor testified at the hearing on behalf of Ms. Keen. She stated that Ms. Keen has become willing to do the work to stay sober.

13. Ms. Keen testified that she did not think she should work in the operating room again because of her osteoarthritis. She stated that she would like to apply for a position as a charge nurse in the operating room or be a legal nurse consultant.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (3), (5), (6) and (8) of the Code

and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations").

3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.
4. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-215485 issued to Linda A. Keen to practice professional nursing in the Commonwealth of Virginia is hereby REINSTATED.
2. License No. 0001-215485 issued to Linda A. Keen to practice professional nursing in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon the condition that she remain compliant with the HPMP and the following terms and conditions:
 - a. Ms. Keen 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 Linda A. Keen, 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. Keen 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. Keen's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Keen's appearance before the Board, and

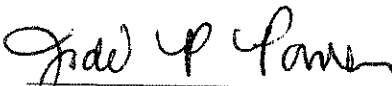
conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

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


for Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

February 6, 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 M.S.M., R.N., C.S.A.C., F.R.E., 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.