

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KRISTEN SOWADA, R.N.
License No.: 0001-237344**

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), an informal conference was held before a Special Conference Committee (“Committee”) of the Board of Nursing (“Board”) on December 10, 2013, in Henrico County, Virginia, to inquire into evidence that Kristen Sowada, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Sowada was not present and was not represented by counsel.

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

FINDINGS OF FACT

1. Kristen Sowada, R.N., was issued License No. 0001-237344 to practice professional nursing by the Virginia Board of Nursing on May 24, 2012. Said license expired on July 2, 2013. Ms. Sowada also holds a current professional nursing license in the state of Maine. Her primary state of residence is Maine.

2. By letter dated November 13, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Sowada notifying her that an informal conference would be held on December 10, 2013. The Notice was sent by certified and first class mail to D6 Juniper East, Yarmouth, Maine 04096, the address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board’s office. The first class mail was not returned to the Board’s office. On November 25, 2013, sent an email to Board staff stating that she was unable to attend the informal conference. The Committee Chair concluded that adequate notice was provided to Ms. Sowada and the informal conference proceeded in her absence.

3. A Consent Agreement entered by the Maine Board of Nursing (“Maine Board”) on January 23, 2013, placed Ms. Sowada on probation subject to terms and conditions for five years. In the Consent Agreement, Ms. Sowada admitted that she used stolen prescription forms to commit forgery and obtain Adderall (dextroamphetamine, Schedule II) for her personal and unauthorized use. Moreover, Ms. Sowada admitted that she had become addicted to the medication. Finally, Ms. Sowada admitted that she failed to disclose the Maine Board’s investigation in her application for licensure as a professional nurse by endorsement in Virginia.

4. In her application for licensure as a professional nurse by endorsement in Virginia dated May 22, 2012:

a. Ms. Sowada falsely answered “No” to the question regarding whether she has been the subject of an investigation by a licensing authority when, in fact, the Maine Board had been investigating her prescription fraud since November 2011.

b. Ms. Sowada falsely answered “No” to the question regarding whether she has a mental, physical or chemical dependency condition which could interfere with her current ability to practice nursing when, in fact, she has admitted an addiction to Adderall.

5. Ms. Sowada told the Department of Health Professions investigator that she knew she was wrong when she answered “No” to the question referred to in Finding of Fact No. 4(a) above.

6. In July 2012, Ms. Sowada moved from Maine to Virginia and entered into a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) on July 24, 2012. She entered a Recovery Monitoring Contract with the HPMP on July 30, 2012. HPMP dismissed Ms. Sowada on July 19, 2013, after she returned to Maine and informed the HPMP that she no longer wanted to participate with the HPMP.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), (6) and (7) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.

CONSENT

Kristen Sowada, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice as a professional nurse in Virginia.


ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Kristen Sowada, R.N., is hereby REPRIMANDED.
2. The right of Ms. Sowada to renew License No. 0001-237344 is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. At such time as Ms. Sowada shall petition the Board for reinstatement of her license or multistate privilege to practice in Virginia, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Sowada shall be responsible for any fees that may be required for the reinstatement and renewal of the license or privilege prior to issuance of the license to resume practice.

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 upon request.


FOR THE BOARD:



Jane R. Ingalls R.N., PhD
President, Virginia Board of Nursing

ENTERED: Jan. 28, 2014

SEEN AND AGREED TO:



Kristen Sowada, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF _____,

State of Maine
TO WIT: *Cumberland County*

Subscribed and sworn to before me, *Valerie Sowles*, a Notary Public, this *7th* day of *January*, 20*14*.

My commission expires _____
VALERIE A. SOWLES
Notary Public, Maine

Registration Number _____
My Commission Expires June 16, 2020



NOTARY PUBLIC