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VIRGINIA:

BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE:

KIMBERLY A. MOSS, L.P.N.

License No.: 0002-085576

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Kimberly A. Moss, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Moss' license to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kimberly A. Moss, L.P.N., was issued License No. 0002-085576 to practice practical nursing by the Virginia Board of Nursing on August 26, 2011, which is valid in Virginia only. Said license expired on October 1, 2012. Ms. Moss holds License No. 23899 to practice practical nursing in the State of South Carolina. Her primary state of residence is South Carolina.
2. By Consent Order entered August 24, 2011, the Virginia Board of Nursing approved Ms. Moss' application for licensure as a practical nurse and she was placed on probation with terms and conditions to include entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP").
3. On August 8, 2011, Ms. Moss entered Recovery Monitoring Contract #1 with the HPMP. On December 22, 2011, Ms. Moss submitted a positive drug screen for EtG/EtS. Ms. Moss failed to call the test line January 3-6, 2012. On February 24, 2012, Ms. Moss entered Recovery Monitoring Contract #2, which required her to participate in an outpatient rehabilitation/treatment program and to refrain from practicing nursing. The expected contract completion date is July 16, 2016. On August 9, 2012, during an interview

with a compliance manager with the Department of Health Professions, the HPMP case manager reported that Ms. Moss was in compliance with her Recovery Monitoring Contract.

4. By letter dated July 30, 2012, Ms. Moss reported that she had relocated to the State of South Carolina. Ms. Moss petitioned the Board to transfer her monitoring to the South Carolina Recovering Professional Program, with which she had entered a monitoring contract on September 29, 2010.

CONCLUSIONS OF LAW

The disposition of this matter is properly before the Board.

CONSENT

Kimberly A. Moss, L.P.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 an informal fact finding conference 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 an informal conference;
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 practical nursing in Virginia.

ORDER

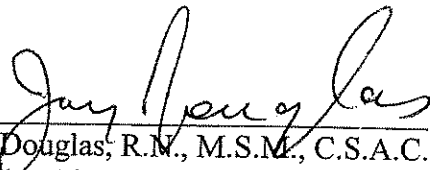
WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS that Kimberly A. Moss, L.P.N., shall be CONTINUED on INDEFINITE PROBATION according to the terms and conditions of the Consent Order entered by the Board on August 24, 2011, and modified as follows:

1. The period of probation shall begin on August 24, 2011, and shall continue indefinitely. After successful completion of the South Carolina Recovering Professional Program (“SCRPP”), Ms. Moss may request that the Board end this probation.
2. Ms. Moss shall comply with all terms and conditions of the SCRPP for the period specified in the Contract.
3. Ms. Moss shall inform her current nursing employer and each future nursing employer that the Virginia Board has placed her on probation and shall provide each employer with a complete copy of this Order and the Order entered August 24, 2011. If Ms. Moss is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
4. Ms. Moss shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.
5. Any violation of the terms and conditions of the SCRPP or any of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Moss and an administrative proceeding shall be held. Ms. Moss shall be noticed to appear at an administrative hearing at such time as the Board is notified that:


- a. Ms. Moss is not in compliance with the terms and conditions specified by the SCRPP or has been terminated by the SCRPP; or
 - b. Ms. Moss is not in compliance with any of the terms or conditions of this Order.
6. Upon receipt of evidence that Ms. Moss has successfully completed her Contract with the SCRPP, the Board, at its discretion, may waive Ms. Moss' appearance at an informal proceeding and conduct an administrative review of this matter.
7. This Order is applicable to Ms. Moss' multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia.
8. Ms. Moss shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of Nursing.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Consent 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


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

ENTERED: November 20th, 2012

Certified True Copy
By 
Virginia Board of Nursing

SEEN AND AGREED TO:

Kimberly A Moss

Kimberly A. Moss, L.P.N.

STATE OF SOUTH CAROLINA

COMMONWEALTH OF VIRGINIA,

COUNTY/CITY OF Moncks Corner, TO WIT:

Subscribed and sworn to before me, Barbara J. Nixon, a Notary Public, this 9th day of November, 2012.

My commission expires 3/5/2013.

Registration Number _____.

Barbara J. Nixon
NOTARY PUBLIC

Certified True Copy

By [Signature]
Virginia Board of Nursing