

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

KIMBERLY MOSS, L.P.N. APPLICANT

0002-085576

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Kimberly Moss, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Moss' application for licensure by endorsement to practice as a practical nurse in Virginia.

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

FINDINGS OF FACT

1. Kimberly Ann Moss submitted an application for licensure by endorsement as a licensed practical nurse that was received by the Board on March 29, 2011. Ms. Moss holds a license to practice practical nursing in South Carolina that is subject to terms and conditions. Her primary state of residence is Virginia.
2. By Order dated March 28, 1996, the South Carolina Board of Nursing ("South Carolina Board") suspended Ms. Moss' license to practice practical nursing with terms for a period of not less than one year from the date she voluntarily surrendered her license on September 6, 1995. The Order was based on Ms. Moss' admission that she diverted Demerol (meperidine, Schedule II) from her employer. By Order dated November 21, 1996, the South Carolina Board stayed the suspension for a period of not less than two years with terms and conditions. By Order dated July 24, 1997, the South Carolina Board continued Ms. Moss' stay of suspension for 16 months based on a positive urine screen for alcohol and for failing to provide all the information required by the previous order. By Consent Order dated March 11, 1998, the South Carolina Board agreed to deactivate Ms. Moss' practical nursing license due to drug or alcohol dependency.

3. On February 11, 1997, Ms. Moss applied for licensure by endorsement to practice practical nursing in Virginia. The Virginia Board of Nursing denied the application based on Ms. Moss' failure to provide evidence that she was in compliance with the terms and conditions imposed by the South Carolina Board.

4. By Consent Order dated May 12, 2011, the South Carolina Board issued Ms. Moss a practical nursing license under probation for two years and subject to terms and conditions. The Board found that Ms. Moss enrolled in the South Carolina Recovering Professional Program on September 29, 2010, and successfully completed an intensive outpatient treatment and aftercare program on March 8, 2011. Ms. Moss was diagnosed with alcohol dependence and sedative hypnotic anxiolytic dependence. Ms. Moss is in full compliance with the program and received a return to work authorization on March 8, 2011, and also completed a nurse refresher course.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2 and 4 constitute a violation 54.1-3007(7) of the Code of Virginia (1950), as amended, ("Code").
2. Findings of Fact Nos. 2 and 4 constitute a violation 54.1-3007(6) of the Code.
3. Ms. Moss otherwise meets the requirements of 54.1-3021 of the Code.

CONSENT

Kimberly Moss, 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 the application of Kimberly Moss for licensure by endorsement as a practical nurse is APPROVED. Upon proof that Ms. Moss has entered into the Virginia Health Practitioners' Monitoring Program ("HPMP"), Ms. Moss shall be issued a license to practice as a practical nurse in the Commonwealth and she shall be placed on PROBATION under the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After successful completion of the HPMP, Ms. Moss may request that the Board end this probation.

2. Ms. Moss shall comply with all terms and conditions of the HPMP for the period specified in the Contract.

3. Ms. Moss shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. 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. The Board shall issue a license marked “Valid in Virginia Only; Probation with Terms.”

6. Ms. Moss shall conduct herself as a licensed practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

7. Any violation of the terms and conditions of HPMP 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 HPMP or has been terminated by HPMP; or

b. Ms. Moss is not in compliance with any of the terms or conditions of this Order.

8. Upon receipt of evidence that Ms. Moss has successfully completed her Contract with HPMP, the Board, at its discretion, may waive Ms. Moss’ appearance at an informal proceeding and conduct an administrative review of this matter.

9. This Order is applicable to Ms. Dei’s multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Dei shall 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 Ms. Dei wishes to work.

Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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

Jay Douglas

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

ENTERED: August 24th, 2011

SEEN AND AGREED TO:

Kimberly Moss
Kimberly Moss

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Pittsylvania, TO WIT:

Subscribed and sworn to before me, Becky Franklin Wheeler, a Notary Public, this 16th day of August, 2011.

My commission expires July 31, 2014.

Registration Number 7364290.

Becky Franklin Wheeler
NOTARY PUBLIC

