

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       GABRIELE HART, R.N.**  
**License No.: 0001-094372**

**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 November 18, 2013, in Henrico County, Virginia, to inquire into evidence that Gabriele Hart, R.N., may have violated certain laws governing nursing practice in Virginia. The case was presented by James E. Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Hart was not 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. Gabriele Hart, R.N., was issued License No. 0001-094372 to practice professional nursing by the Virginia Board of Nursing on August 22, 1984. Said license is scheduled to expire on May 31, 2014. Her primary state of residence is Virginia. She held a license to practice professional nursing in the State of New Jersey, which is expired.

2. Based upon the representations of the Adjudication Specialist, Commonwealth's Exhibit #1, the Notice of Formal Hearing and Statement of Particulars and the Affidavit of Mailing, and Commonwealth's Exhibit #4, the U.S. Postal Service online tracking of the certified mail sent to Ms. Hart, the presiding officer ruled that adequate notice was provided to Ms. Hart and the hearing proceeded in her absence.

3. By Order entered October 22, 1996, the Board placed Ms. Hart on probation for no less than two years based on findings that Ms. Hart was unable to safely practice nursing due to mental illness and substance abuse and that she had committed prescription fraud. Ms. Hart successfully completed probation in 2002.

4. During the course of her employment with American Treatment Center, Newport News, Virginia, in February 2013, Ms. Hart diverted at least four bottles of liquid methadone (Schedule II) from facility supplies for her personal and unauthorized use.

5. Ms. Hart stated that she took the methadone because she was planning to commit suicide, and that she did not consider this a relapse.

6. Ms. Hart has had four employers between 2009 and 2013, and has been terminated from three positions.

#### **CONCLUSIONS OF LAW**

The Board concludes that Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

#### **ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-094372 issued to Gabriele Hart, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

2. The license of Ms. Hart will be recorded as SUSPENDED and no longer current. Should Ms. Hart seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license privilege prior to issuance of her license to resume practice.

3. At such time as Ms. Hart shall petition the Board for reinstatement of her license, an

administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.

4. This Order shall be applicable to Ms. Hart's multistate licensure privileges, if any, to practice professional nursing.

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* *Gloria Mitchell*  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

*December 11, 2013*  
ENTERED

**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.

**Certified True Copy**  
By *agraham*  
**Virginia Board of Nursing**