



COMMONWEALTH of VIRGINIA

Department of Health Professions

Board of Nursing

Nancy K. Durrett, R.N., M.S.N.
Executive Director
of the Board

6606 West Broad Street, Fourth Floor
Richmond, Virginia 23230-1717
(804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9943
TDD (804) 662-7197

June 26, 1998

CERTIFIED MAIL
Z 100 411 039

Gabriele Hart, RN
438 Maryle Court
Newport News, VA 23602

Dear Ms. Hart:

The Board of Nursing has authorized me to amend probation orders requiring participation in Peer Assistance for Chemically Dependent Nurses (PACDN) to permit participation in the Health Practitioners' Intervention Program (HPIP) instead. By copy of this letter, your order of Probation entered October 22, 1996 has been amended to substitute monitoring by the Health Practitioners' Intervention Program, effective immediately.

Please keep a copy of this letter with the enclosed order of probation from the Board of Nursing. We wish you well in your recovery.

Sincerely,

A handwritten signature in cursive script that reads "Nancy K. Durrett".

Nancy K. Durrett, RN, MSN
Executive Director

NKD/mls

Enclosure

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

GABRIELE LUNKWITZ HART, R.N.

ORDER

Pursuant to § 9-6.14:11 and §54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), a Special Conference Committee ("SCC") of the Board of Nursing met on October 2, 1996, in Henrico County, Virginia, to receive and act upon evidence that Gabriele Lunkwitz Hart, R.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia. Ms. Hart was present and was not represented by counsel. Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusion of Law.

FINDINGS OF FACT

1. Gabriele Lunkwitz Hart, R.N., holds License No. 0001-094372 issued by the Virginia Board of Nursing.
2. During the course of Ms. Hart's employment with Patrick G. Haggerty, M.D., Newport News, Virginia, between approximately May 1995, and May 1996:
 - a. By her own admission, Ms. Hart uttered or attempted to utter numerous fraudulent prescriptions for her personal and unauthorized use, to include no fewer than two (2) prescriptions, with refills, for Lasix or furosemide (Schedule VI) and no fewer than ten (10) prescriptions, with refills, for Fioricet or butalbital with acetaminophen (Schedule VI). These forgeries were accomplished by Ms. Hart telephoning these prescriptions into various pharmacies in her name, using the name of Jeffrey Harris, M.D., or Patrick G. Haggerty, M.D., as the prescribing physician.

Gabriele Lunkwitz Hart, R.N.

- b. On no fewer than two (2) occasions, by using a physician's signature stamp, Ms. Hart forged prescriptions for Fioricet for her personal and unauthorized use.
 - c. On or about April 29, 1996, Ms. Hart called in a prescription for forty (40) tablets of Fioricet, with three refills, for her personal and unauthorized use that purportedly had been prescribed by Jeffrey Harris, M.D.
 - d. By her own admission, Ms. Hart self-administered approximately ten (10) fraudulently obtained Fioricet a day, both while on and off duty. Ms. Hart feels her use of Fioricet while on duty slowed her job performance.
 3. A review of records obtained from area pharmacies revealed:
 - a. Between June 16, 1995, and April 25, 1996, Ms. Hart received prescriptions for approximately 2810 dosage units of Fioricet, or an average of 9.2 dosage units a day for ten (10) months.
 - b. A computer entry in the K-Mart Pharmacy records reflects that Ms. Hart "may abuse."
 - c. On or about August 30, 1995, Ms. Hart received at least one prescription, with refills, for butalbital from an unidentified physician at Riverside Regional Medical Center with whom she had no valid physician-patient relationship. By her own admission, Ms. Hart often requested prescriptions from hospital physicians.
 4. Between January 1993, and May 2, 1996, Ms. Hart received counseling from Gail Robertson, Ed.D., L.P.C., Newport News, Virginia, for issues not primarily related to

Gabriele Lunkwitz Hart, R.N.

her substance abuse. However, Ms. Hart reported to the Department's investigator that she had advised Ms. Robertson of her prescription forgery, and reported she had failed to comply with a recommendation by Ms. Robertson to attend Narcotics Anonymous.

5. Since September 1993, Ms. Hart has received psychiatric treatment from Colston R. Stewart, III, M.D., Newport News, Virginia. Dr. Stewart prescribed Ativan (Schedule IV) for Ms. Hart, and she reported to the Department's investigator that Dr. Stewart was not aware of her substance abuse. Ms. Hart testified to the SCC that Dr. Stewart has not prescribed Ativan for her since May 4, 1996.
6. During the course of Ms. Hart's employment with Riverside Regional Medical Center, Newport News, Virginia:
 - a. On or about May 2, 1996, Ms. Hart submitted to a urine drug screen that yielded positive results for barbiturates and marijuana.
 - b. On or about May 2, 1996, a search of Ms. Hart's belongings revealed a single unit-dose container of furosemide liquid that she denied was hers.
7. Between May 4, 1996, and July 24, 1996, Ms. Hart received treatment for substance abuse through Williamsburg Place ("WP"), Williamsburg, Virginia. She entered Aftercare on July 25, 1996, for a minimum of twelve weeks. The Coordinator for WP Outpatient/Intensive Outpatient Programs gives Ms. Hart's recovery a favorable report.
8. On May 20, 1996, Ms. Hart entered into a two (2) year contract with the Peer Assistance for Chemically Dependent Nurses (PACDN) program of the Virginia Nurses Association. Her sponsor, Diane Good, R.N., C.S.A.C., appeared and gave Ms. Hart's

Gabriele Lunkwitz Hart, R.N.

compliance with the contract and her recovery favorable reports.

9. Ms. Hart has submitted to urine drug screens since her entry into treatment at WP. Since her discharge, these urine drug screens have been arranged through Drug Program Management (“DPM”) of Florida and through her PACDN monitor. All screens have yielded negative results.
10. Since September 26, 1996, Ms. Hart has received counseling from Pamela Cappetta, Ed.D., L.P.C., Williamsburg, Virginia.
11. Ms. Hart provided letters of recommendation from her peers in recovery and her primary care physician who is aware of her chemical dependency; all give her recovery favorable reports.
12. Ms. Hart currently attends approximately six (6) various recovery support group meetings a week. Her date of sobriety is April 26, 1996. A friend and her sponsor appeared before the SCC and gave her recovery favorable reports.
13. Ms. Hart is currently employed in a non-nursing capacity.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Ms. Hart has violated § 54.1-3007(2), (5) and (6) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-300-(A)(2)(c) and (e) [formerly § 4.1(A)(2)(c) and (e)] of the Regulations of the Board of Nursing.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Gabriele Lunkwitz Hart, R.N., be, and hereby is, placed on

Gabriele Lunkwitz Hart, R.N.

PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is final and shall end upon completion of two (2) years of employment as a Registered Nurse.
2. All written reports required by this Order shall be sent to the Board office with the first report being received no later than thirty (30) days following the date that this Order is final. 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.
3. Ms. Hart shall inform her nursing employer and each future nursing employer that the Board has placed her on probation and shall provide her employer with a copy of this Order. If, at any time, she is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
4. For the first year, Ms. Hart may practice non-clinical nursing only in an employment setting satisfactory to the Board, or she may practice clinical nursing only in an employment setting satisfactory to the Board that provides on-site supervision by a physician, nurse practitioner or professional nurse who holds an unrestricted license. Before changing employment, Ms. Hart shall have her prospective employer provide a written description of the structured, supervised employment setting to the Board office for approval.
5. Ms. Hart shall inform the Board in writing within ten (10) days of the date she begins nursing practice again and shall provide the Board with the name and address of the employer. She shall inform the Board in writing within ten (10) days of any change of employment or any interruption in nursing practice.

Gabriele Lunkwitz Hart, R.N.

6. Ms. Hart shall direct her nursing employer to provide written nursing performance evaluations to the Board as stated in term number 2.
7. Ms. Hart shall not administer any Schedule II through V controlled substances or the Schedule VI controlled substances Stadol and Nubain for the first six (6) months of employment as a professional nurse.
8. Ms. Hart shall continue in treatment until discharged and will direct the therapist to provide the Board with written progress reports as stated in term number 2. The therapist shall provide a written discharge summary when appropriate. Ms. Hart shall provide the therapist with a copy of this Order and authorize the therapist to communicate with the Board's representatives concerning her progress.
9. Ms. Hart shall direct the therapist to notify the Board if she withdraws from the treatment program before being discharged.
10. Ms. Hart shall be required to have supervised, unannounced drug screens (to include alcohol) and have all results sent to the Board as stated in term number 2. The Board shall be notified immediately in writing of any positive results or if she refuses to give a specimen for analysis as required by this Order.
11. Ms. Hart shall continue to be active in Alcoholics Anonymous, Narcotics Anonymous, Caduceus, and other recovery support groups acceptable to the Board with written reports of attendance by a sponsor or contact person sent to the Board as stated in term number 2.
12. Ms. Hart shall continue to be active in the Peer Assistance for Chemically Dependent Nurses (PACDN) Program of the Virginia Nurses' Association and will direct the PACDN

Gabriele Lunkwitz Hart, R.N.

representative to provide the Board with written reports as stated in term number 2 concerning her progress in the program and to advise the Board immediately if she leaves or fails the program before completion.

13. Ms. Hart shall not use alcohol or any other mood altering chemical except as prescribed by a physician with whom she has established a genuine physician/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any medication such as a narcotic, depressant, tranquilizer, analgesic or stimulant, a written report from the prescribing physician shall be provided to the Board within ten (10) days of the date of the prescription.
14. Written reports shall be provided by Ms. Hart that will include her current address and current employment, if any. These reports shall be sent to the Board office as stated in term number 2.
15. Ms. Hart shall return all copies of her current license to practice professional nursing to the Board office within ten (10) days of the date of entry of this Order. Upon receipt of the old license and a \$15.00 fee, the Board shall issue a new license marked PROBATION WITH TERMS.
16. Ms. Hart, as a professional nurse, shall conduct herself in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.

Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Gabriele Lunkwitz Hart, R.N., and a hearing shall be held to decide whether her license shall be revoked.

The Board shall issue an unrestricted license to Ms. Hart without a hearing at the completion

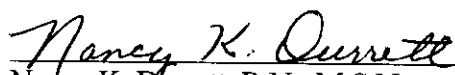
Gabriele Lunkwitz Hart, R.N.

of the probationary period unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 9-6.14:1 et seq. of Code of Virginia (1950), as amended.

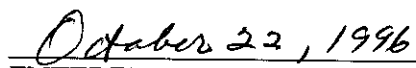
Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspections or copying on request.

If Ms. Hart does not consent to the committee's decision and desires a hearing before the Board or a panel thereof, she shall notify, in writing, Nancy K. Durrett, R.N., M.S.N., Executive Director, Board of Nursing, 6606 W. Broad Street, Fourth Floor, Richmond, Virginia 23230-1717 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three-day period unless a written request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in §9-6.14:12 of the Code of Virginia (1950), as amended.

FOR THE BOARD



Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing



ENTERED

Gabriele Lunkwitz Hart, R.N.

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Gabriele Lunkwitz Hart, R.N., at 438 Maryle Court, Newport News, Virginia 23602.

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

October 22, 1996
Date