

DEC 19 2006



DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 12/19/06

COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.virginia.gov
TEL (804) 662 9900
FAX (804) 662 9943
TDD (804) 662 7197

December 19, 2006

David Ty Kaufmann
1620 Amity Ridge Road
Washington, PA 15301

CERTIFIED MAIL

Certified Article Number

7160 3901 9849 4240 0863

SENDERS RECORD

RE: License Nos.: 0001-160472
0024-167119

Dear Mr. Kaufmann:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your licenses to practice as a professional nurse and as a licensed nurse practitioner in the Commonwealth of Virginia have been mandatorily suspended by the enclosed Order entered December 19, 2006. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your licenses to Jay P. Douglas, Executive Director, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 662-9909.

Sincerely,

Sandra Whitley Ryals, Director
Department of Health Professions

Enclosures

Case # 112037

Board of Audiology & Speech - Language Pathology - Board of Counseling - Board of Dentistry - Board of Funeral Directors & Embalmers
Board of Long-Term Care Administrators - Board of Medicine - Board of Nursing - Board of Optometry - Board of Pharmacy
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine
Board of Health Professions

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: DAVID TY KAUFMANN, R.N., L.N.P.
License Nos.: 0001-160472
0024-167119


ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Sandra Whitley Ryals, Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of David Ty Kaufmann, R.N., L.N.P., to practice nursing in the Commonwealth of Pennsylvania was suspended by Final Order entered May 22, 2006. A certified copy of the Final Order (with attachment) is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the licenses of David Ty Kaufmann, R.N., L.N.P., to practice as a professional nurse and as a licensed nurse practitioner in the Commonwealth of Virginia be, and hereby are, SUSPENDED.

Upon entry of this Order, the licenses of David Ty Kaufmann, R.N., L.N.P., will be recorded as suspended and no longer current. Should Mr. Kaufmann seek reinstatement of his licenses pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his licenses prior to issuance of his licenses to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Sandra Whitley Ryals, Director
Department of Health Professions

ENTERED: December 19, 2006



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.virginia.gov
TEL (804) 662 9900
FAX (804) 662 9943
TDD (804) 662 7197

CERTIFICATION OF DUPLICATE RECORDS

I, Sandra Whitley Ryals, Director of the Department of Health Professions, hereby certify that the attached Final Order (with attachment) entered May 23, 2006, regarding David Ty Kaufmann, R.N., L.N.P., are true copies of the records received from the Pennsylvania State Board of Nursing.

A handwritten signature in cursive script, appearing to read "Sandra Whitley Ryals", written over a horizontal line.

Sandra Whitley Ryals

Date: 12/19/2006

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF NURSING

PROTONOTARY

2006 SEP 12 11 9:45

Department of State

Commonwealth of Pennsylvania, :
Bureau of Professional and :
Occupational Affairs :
 : Docket No. 0858-51-06
v. : File No. 05-51-10402
 :
Dave Kaufmann, R.N., :
Respondent :

COPY

FINAL ORDER

AND NOW, September 12, 2006, upon consideration of the Preliminary Order of May 23, 2006, issued by the State Board of Nursing Probable Cause Screening Committee, which terminated Respondent's probation and actively suspended Respondent's license to practice professional nursing for no less than three years, and having received no request for a hearing from Respondent, the State Board of Nursing **ORDERS** that the Preliminary Order is now the **FINAL ORDER** in this matter. The stay of the suspension of Respondent's license is now vacated, Respondent's probation is now terminated, and Respondent's license to practice professional nursing, license number RN356004L, shall be actively **SUSPENDED**, but for no less than three years, retroactive to May 23, 2006.

Respondent may petition for reinstatement after three years. Respondent must submit to the Board satisfactory evidence that Respondent is able to practice nursing with reasonable skill and safety to patients and has completed at least three years of rehabilitation and continuous sustained recovery. Documentation of such recovery shall include, but is not limited to, the following:

- (a) An evaluation and assessment from a treatment provider approved by the Professional Health Monitoring Program indicating that Respondent is fit to safely practice as a nurse. Respondent may obtain the names of Board-approved treatment providers by contacting the Professional Health Monitoring Program, P.O. Box 2649, Harrisburg, PA 17105;
- (b) Periodic and random drug and alcohol screening indicating the lack of illicit substances, the last screen to be completed no more than thirty (30) days prior to the petition for reinstatement;
- (c) A current Criminal History Record Information (a/k/a "Criminal Record Check") from a governmental agency from all states where Respondent has resided since the suspension, compiled no more than three months prior to the petition for reinstatement; and
- (d) A signed verification that Respondent has not practiced nursing since the



CERTIFIED TRUE COPY
OF OFFICIAL RECORDS OF
THE PENNSYLVANIA STATE
BOARD OF NURSING

suspension.

Prior to reinstatement, Respondent must prove at a formal hearing before the Board or its designee that Respondent is capable of practicing nursing with reasonable skill and safety to patients.

Respondent shall immediately cease practicing the profession. Within ten (10) days of the date of this order, the Respondent shall surrender the wall certificate, registration certificate, wallet card, and other licensure documents, if Respondent has not already done so, by forwarding them to the following address:

State Board of Nursing
Board Counsel
P.O. Box 2649
Harrisburg, PA 17105-2649

BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



**BASIL L. MERENDA
COMMISSIONER**

STATE BOARD OF NURSING



**JOANNE L. SORENSEN, RN, MS
CHAIRPERSON**

Respondent:

Dave Kaufmann, R.N.
402 Casa Vita Drive
Greensburg, PA 15601

Prosecuting Attorney:

Monty J. Batson, Esquire
2601 North Third Street, P.O. Box 2649
Harrisburg, PA 17105-2649

Board Counsel:

Carmen L. Rivera, Esquire
2601 North Third Street, P.O. Box 2649
Harrisburg, PA 17105-2649

Date of Mailing:

September 18, 2006

Notice

The attached Adjudication and Order represents the final agency decisions in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court in accordance with the Pennsylvania Rules of Appellate Procedure. If you take an appeal to the Commonwealth Court, you must serve the Board with a copy of your Petition for Review. The agency contact for receiving service of such appeals is:

Board Counsel
P.O. Box 2649
Harrisburg, PA 17105-2649

The name of the individual Board Counsel is identified on the Order page of the Adjudication and Order.

COPY

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF NURSING**

PROTHONOTARY
2006 MAY 23 AM 11:39
Department of State

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

vs.

**Dave Kaufmann, RN
Respondent**

:
:
:
: **Docket No. 0858-51-06**
: **File No. 05-51-10402**
:
:
:

NOTICE

Formal disciplinary action has been filed against you for violating the terms of probation imposed on you by a prior order of the board. The attached Preliminary Order has activated the stayed suspension of your license under the terms of the prior order and you may also be subject to civil penalties of up to \$1,000 for each violation of the Professional Nursing Law, 63 P.S. §211, et seq.

If you wish to defend against the charges in the attached petition for appropriate relief or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Preliminary Order attached to the petition for appropriate relief.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

If you desire a hearing, you are directed to file a written answer to the petition for appropriate relief and a written request for a hearing within 20 days of the mailing date of the Preliminary Order. **IF YOU DO NOT FILE A WRITTEN ANSWER AND REQUEST FOR A HEARING, AN ORDER MAKING THE PRELIMINARY ORDER FINAL MAY BE ENTERED AGAINST YOU WITHOUT A HEARING.** To file your written answer and request for a hearing, you must bring or send an original and three copies of your written answer and request for a hearing and any pleadings or other documents related to this matter to the following address:

Deanna S. Walton, Prothonotary
Bureau of Professional and Occupational Affairs
2601 North Third Street
Harrisburg, PA 17110

You must also send a separate copy of your written answer and request for a hearing and any other pleadings or documents related to this case to the prosecuting attorney named in the petition for appropriate relief.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF NURSING

Commonwealth of Pennsylvania :
Bureau of Professional and :
Occupational Affairs :
vs. : Docket No.
: File No. 05-51-10402
Dave Kaufmann, RN :
Respondent :

PRELIMINARY ORDER

AND NOW, this 22 day of May, 2006, the State Board Of Nursing Probable Cause Screening Committee makes a probable cause determination that Dave Kaufmann, RN ("Respondent"), License No. RN-356004-L, violated the terms and conditions of the Voluntary Recovery Program Consent Agreement and Order ("VRP Agreement") as alleged in the attached Commonwealth's Petition for Appropriate Relief.

Accordingly, the stay of the suspension of Respondent's license is now **VACATED**, the period of probation is now **TERMINATED**, and Respondent's license to practice the profession is now actively **SUSPENDED** for 3 years.

Respondent shall immediately cease practicing the profession. Within ten (10) days, Respondent shall surrender the wall certificate, registration certificate, wallet card and other licensure documents by forwarding them to the Prosecuting Attorney named below at:

P.O. Box 2649
Harrisburg, PA 17105-2649

Respondent shall be notified of this Preliminary Order within three (3) days of its issuance by certified mail and first class mail postage prepaid, sent to the last registered address on file with the Board;

**CERTIFIED TRUE COPY
OF OFFICIAL RECORDS OF
THE PENNSYLVANIA STATE
BOARD OF NURSING**

PARVRPGeneric 052903

Within twenty (20) days of mailing of this Preliminary Order, Respondent may answer the Commonwealth's Petition and request that a formal hearing be convened concerning Respondent's violation of probation, in which Respondent may seek relief from this Preliminary Order activating the suspension. Respondent shall serve the prosecuting attorney for the Commonwealth with a copy of the answer and all subsequent filings in this matter;

If a request for a formal hearing is received from Respondent, the Board or its duly authorized hearing examiner shall convene a formal hearing within forty-five (45) days from the date of the Board's receipt of Respondent's request for a formal hearing;

If Respondent files an answer and request for a hearing within the twenty (20) day period, this Preliminary Order activating the suspension shall remain in effect unless and until the Board issues a determination favorable to Respondent after holding the formal hearing;

The facts and averments in the VRP Agreement shall be deemed admitted and uncontested at this hearing;


If the Board after such hearing makes a determination adverse to Respondent, the Board will issue a Final Order activating the suspension of Respondent's license and imposing any additional disciplinary measures it deems appropriate;

If a request for a formal hearing is not received from Respondent within the prescribed twenty (20) day period, the Board's Preliminary Order shall automatically become the Final Order in this matter twenty (20) days after the date of its mailing;

If the stay is terminated, Respondent shall still comply with all terms and conditions of probation in the VRP Agreement during the active suspension, other than those terms and conditions pertaining to practicing the profession. Continued failure by Respondent to comply with the unaffected terms and conditions of probation shall result in further disciplinary action against Respondent;

This Order shall take effect immediately upon mailing.

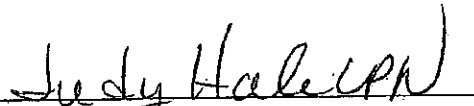
**BY ORDER:
STATE BOARD OF NURSING
PROBABLE CAUSE SCREENING COMMITTEE**



Ann O'Sullivan, RN, CRNP
Committee Member



Dennis P. McManus
Committee Member



Judy Hale, LPN
Committee Member

For the Commonwealth:

Monty J. Batson, Esquire
P.O. Box 2649
Harrisburg, PA 17105-2649

For the Respondent:

Dave Kaufmann, RN
402 Casa Vita Drive
Greensburg, PA 15601

Date of Mailing: *May 22, 2006*

COPY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF NURSING

PROthonotary
2006 MAY 23 AM 11:39
Department of State

Commonwealth of Pennsylvania :
Bureau of Professional and :
Occupational Affairs :
vs. :
Dave Kaufmann, RN, :
Respondent :

Docket No. 0888-51-06
File No. 05-51-10402

PETITION FOR APPROPRIATE RELIEF

NOW COMES the Commonwealth of Pennsylvania, by and through its Prosecuting Attorney, Monty J. Batson, Esquire, to file this Petition for Appropriate Relief, averring in support of it the following:

1. At all relevant and material times, Dave Kaufmann, RN ("Respondent") held a license to practice professional nursing in the Commonwealth of Pennsylvania, License No. RN-356004-L.
2. Respondent's license is current through April 30, 2007 and may be continually renewed thereafter upon filing of the appropriate documentation and payment of the necessary fees.
3. Respondent's last known address on file with the Board is 402 Casa Vita Drive, Greensburg, PA 15601.
4. On April 25, 2005, the Board issued its Order adopting the Voluntary Recovery Program Consent Agreement ("VRP Agreement") entered into between Respondent and the Commonwealth, File No. 05-51-00472, and, among other things, found Respondent to have violated the Professional Nursing Law, Act of May 22, 1951, P.L. 317, as amended, (Act), 63 P.S. §211 et seq. at 63 P.S. §224(a)(2), in that Respondent was unable to practice the profession with reasonable

skill and safety to patients by reason of illness, addiction to drugs or alcohol, or mental incompetence. A true and correct copy of the VRP Agreement is incorporated as **EXHIBIT 1**.

5. The VRP Agreement (§5) further provides that Respondent's license shall be suspended under the terms of the agreement, but the enforcement of that suspension shall be stayed for the length of time Respondent remains in an approved treatment and monitoring program and makes satisfactory progress, complies with the other terms of the agreement and adheres to all conditions as set forth in the agreement.

6. Respondent violated the terms of the VRP Agreement as follows:

a. Respondent submitted to random unannounced and observed body fluid toxicology screens (ROBS) on or about June 15, 2004 that was positive for Ethylglucuronide (alcohol). (VRP Agreement §7d(28)).

b. Respondent failed to abstain from the personal use of controlled substances, mood altering drugs, or drugs of abuse in violation of the VRP Agreement as evidenced by the ROBS that he submitted to on or about May 2, 2005 that was positive for Ethylglucuronide (alcohol). (VRP Agreement §7d(19))

d. Respondent submitted to random unannounced and observed body fluid toxicology screens (ROBS) on or about May 23, 2005 that was positive for Morphine. (VRP Agreement §7d (28))

e. Respondent failed to abstain from the personal use of controlled substances and mood altering drugs or drugs of abuse in violation of the VRP Agreement as evidenced by the ROBS that he submitted to on or about May 23, 2005 that was positive for Morphine. (VRP Agreement §7(d)(19))

f. Respondent submitted to random unannounced and observed body fluid toxicology screens (ROBS) on or about June 2, 2005 that was positive for Lorazepam and Propoxyphene. (VRP Agreement ¶7d (28))

g. Respondent failed to abstain from the personal use of controlled substances and mood altering drugs or drugs of abuse in violation of the VRP Agreement as evidenced by the ROBS that he submitted to on or about June 2, 2005 that was positive for Lorazepam and Propoxyphene. (VRP Agreement ¶7(d)(19))

h. Respondent submitted to random unannounced and observed body fluid toxicology screens (ROBS) on or about August 31, 2005 that was positive for Ethylglucuronide (alcohol). (VRP Agreement ¶7d (28))

i. Respondent failed to abstain from the personal use of controlled substances and mood altering drugs or drugs of abuse in violation of the VRP Agreement as evidenced by the ROBS that he submitted to on or about August 31, 2005 that was positive for Ethylglucuronide (alcohol). (VRP Agreement ¶7(d)(19))

j. Respondent failed to submit to random unannounced and observed body fluid toxicology screens (ROBS) on September 28, 2005. (VRP Agreement ¶7(d)(28))

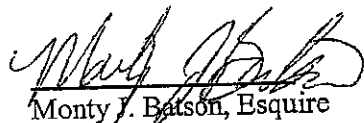
k. Further, with regard to the positive screens for Morphine, Lorazepam and Propoxyphene, if a medication that metabolizes to Morphine, Lorazepam or Propoxyphene was lawfully prescribed by Respondent's treating physician, Respondent failed to provide to VRP within 48 hours of receiving the medication the

name of the practitioner prescribing the drug, the illness or medical condition diagnosed, the type, the strength, the amount and dosage of the medication and a signed statement consenting to the release of the medical information from the prescribing practitioner to the VRP for the purpose of verification. (VRP Agreement ¶7(d)(19))

7. Paragraph 7e of the VRP Agreement states that notification of a violation of the terms or conditions of the VRP Agreement shall result in the **IMMEDIATE VACATING** of the stay order, **TERMINATION** of the period of probation, and **ACTIVATION** of the entire period of suspension of Respondent's license to practice the profession in the Commonwealth of Pennsylvania, subject to the procedure set forth in that sub-paragraph.

WHEREFORE, pursuant to the procedure set forth in ¶7e of the VRP Agreement, the Commonwealth respectfully requests that the Board (1) make a probable cause determination that Respondent violated the terms and conditions of the VRP Agreement; (2) issue a Preliminary Order **VACATING** its previous Order staying the suspension in this matter, **TERMINATING** the period of probation and **ACTIVELY SUSPENDING** Respondent's license, License No. RN-356004-L; (3) notify Respondent of the Preliminary Order and suspension; and (4) take such other action as the Board deems appropriate.

Respectfully submitted,

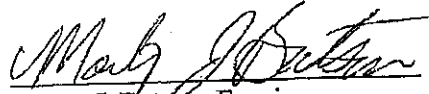


Monty J. Batson, Esquire
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State

DATE: May 22, 2006

VERIFICATION

I, Monty J. Batson, Esquire, verify that the facts set forth in the foregoing Petition for Appropriate Relief are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Monty J. Batson, Esquire
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State

DATE: *May 22, 2006*