

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: DAVID KAUFMANN, L.N.P.
License No.: 0024-167119**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") on August 4, 2015, in Henrico County, Virginia. David Kaufmann, L.N.P., was not present nor was he represented by legal counsel. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Committee of the Joint Boards, submitted a Recommended Decision for consideration.

On November 18, 2015, a quorum of the Committee of the Joint Boards met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Kaufmann was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Committee of the Joint Boards makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. David Kaufmann, L.N.P., was issued License No. 0024-167119 to practice as a nurse practitioner in Virginia on September 14, 2006, in the area of certified registered nurse anesthesia. The license is scheduled to expire on June 30, 2016. Mr. Kaufmann holds License No. 0001-160472 to practice professional nursing in Virginia, which is scheduled to expire June 30, 2016. Mr. Kaufmann's primary state of residence is Pennsylvania.

2. By letter dated July 9, 2015, the Board of Nursing sent a Notice of Informal Conference

(“Notice”) to Mr. Kaufmann notifying him that an informal conference would be held on August 4, 2015. The Notice was sent by certified and first class mail to 27 Laurel Avenue, Washington, Pennsylvania, 15301, the address of record on file with the Board of Nursing. Neither the receipt for the Notice sent via certified mail nor the Notice sent via certified mail was returned to the Board office. The Notice sent via first-class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Kaufmann and the informal conference proceeded in his absence.

3. On September 12, 2006, the Pennsylvania Board of Nursing suspended Mr. Kaufmann’s license to practice professional nursing for not less than three years, retroactive to May 23, 2006, after the Pennsylvania Board made findings that Mr. Kaufmann had violated the terms and conditions of the Voluntary Recovery Program Consent Agreement and Order issued April 25, 2005, by submitting toxicology screens that were positive for alcohol, morphine (C-II), lorazepam (C-IV) and propoxyphene.

4. On December 19, 2006, the Virginia Department of Health Professions mandatorily suspended Mr. Kaufmann’s license to practice as a nurse practitioner.

5. On January 4, 2010, Mr. Kaufmann entered the Pennsylvania Nurse Peer Assistance Program.

6. On December 11, 2012, the Pennsylvania Board of Nursing reinstated Mr. Kaufmann’s license to practice professional nursing.

7. On December 11, 2013, the Committee of the Joint Boards of Nursing and Medicine (“Committee of the Joint Boards”) entered an Order reinstating Mr. Kaufmann’s license to practice as a nurse practitioner in the Commonwealth of Virginia contingent upon his providing proof to the Committee of the Joint Boards that he had been recertified as a registered nurse anesthetist (“Committee of the Joint Boards’ Order”). He also was placed on indefinite probation, including certain terms and conditions, for not less than one year of actual employment as a nurse practitioner.

8. Term No. 3 of the Committee of the Joint Boards' Order required Mr. Kaufmann to submit to the Committee of the Joint Boards a written report from the prescribing practitioner for any prescription for a Schedule II-IV controlled substance within ten days of the date the medication was prescribed.

9. On August 7, 2014, Mr. Kaufmann was prescribed oxycodone/acetaminophen by a physician's assistant. Mr. Kaufmann failed to submit a report for this prescription for 14 days after the medication was prescribed.

10. Mr. Kaufmann tested positive for Tramadol (C-IV) on an August 19, 2014, urine drug screen, although he did not provide a prescription report for three prescriptions for that medication until April 2015.

11. Term No. 4 of the Committee of the Joint Boards' Order required Mr. Kaufmann to have two supervised unannounced drug screens a quarter, to include testing for alcohol and opiates, and to have the first set of results received by the Committee of the Joint Boards within 60 days of the entry of the Order and by the last days of March, June, September, and December thereafter.

12. Mr. Kaufmann failed to have the drug screen reports due September 30, 2014, and December 31, 2014, submitted on time. The Board directed Mr. Kaufmann to have these drug screen reports provided to it by January 26, 2015. On January 26, 2015, the Board received drug screen printouts including results from screens conducted on July 1, 2014, August 19, 2014, November 25, 2014, and January 7, 2015.

13. Term No. 5 of the Committee of the Joint Boards' Order required Mr. Kaufmann to submit written evidence of attendance at recovery support groups to the Committee of the Joint Boards on a quarterly basis.

14. Mr. Kaufmann did not submit the report memorializing his attendance at recovery support groups that was due June 30, 2014, until July 7, 2014. He did not submit the report that was due

September 30, 2014, until October 22, 2014. He did not submit the report that was due December 31, 2014, until January 6, 2015. He did not submit the report that was due March 31, 2015, until April 20, 2015.

15. Term No. 6 of the Committee of the Joint Boards' Order required Mr. Kaufmann to submit self-reports, with the first one due within 60 days of the date of entry of the Order and subsequent reports due by the last day of March, June, September, and December.

16. Mr. Kaufmann did not submit the self-report that was due March 31, 2014, until April 11, 2014. He did not submit the self-report that was due June 30, 2014, until July 7, 2014. He did not submit the self-report that was due September 30, 2014, until October 22, 2014. He did not submit the self-report that was due December 31, 2014, until January 6, 2015. He did not submit the self-report that was due March 31, 2015, until April 20, 2015.

17. On January 24, 2014, the Pennsylvania Board of Nursing reinstated Mr. Kaufmann's license to practice professional nursing without restriction.

18. The Pennsylvania Nurse Peer Assistance Program closed Mr. Kaufmann's monitoring case due to an open investigation by the Pennsylvania Board of Nursing. The Program had also required him to complete a hair follicle drug test but he failed to do so due to noncompliance with the testing procedure.

19. Mr. Kaufmann stated to the Board that he has been unable to find work as a nurse anesthetist in Virginia and has not satisfied the requirement of the Committee of the Joint Boards' Order to complete one year of actual employment as a nurse practitioner. He has been working as a professional nurse in Pennsylvania.

CONCLUSIONS OF LAW

1. Finding of Fact Nos. 9 and 10 constitutes a violation of Term No. 3 of the Committee of the Joint Boards' Order.

2. Finding of Fact No. 12 constitutes a violation of Term No. 4 of the Committee of the Joint Boards' Order.

3. Finding of Fact No. 14 constitutes a violation of Term No. 5 of the Committee of the Joint Boards' Order.

4. Finding of Fact No. 16 constitutes a violation of Term No. 6 of the Committee of the Joint Boards' Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. David Kaufmann, L.N.P., is hereby REPRIMANDED.

2. License No. 0024-167119 of David Kaufmann, L.N.P., is INDEFINITELY SUSPENDED.

3. The license will be recorded as suspended and no longer current.

4. At such time as Mr. Kaufmann shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of a nurse practitioner. Mr. Kaufman shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

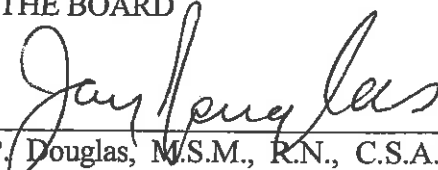
5. This suspension applies to any multistate privilege to practice as a nurse practitioner.

Pursuant to § 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.

Since Mr. Kaufmann failed to appear at the informal conference, this Order shall be considered final. Mr. Kaufmann has the right to appeal this Order directly to the appropriate Virginia circuit court.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Kaufmann has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Entered: December 18TH, 2015

Certified True Copy

By 
Virginia Board of Nursing