

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: KAREN LIND, R.N.**

**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 March 17, 2010, in Henrico County, Virginia, to inquire into evidence that Karen Lind, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was presented by Corie E. Tillman Wolf, Assistant Attorney General. Ishneila Moore, Assistant Attorney General, was present as legal counsel for the Board. Karen Lind, R.N., was present and was represented by Alan Shachter, Esquire. 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. Karen Lind, R.N., was issued License No. 0001-074737 to practice professional nursing by the Virginia Board of Nursing on September 4, 1979. Said license is set to expire on October 31, 2010.
2. The evidence indicated and Ms. Lind stipulated to the following facts (a & b):
  - a. On March 12, 2009, while employed as a supervising nurse at Gainesville Health and Rehabilitation Center ("Gainesville") in Gainesville, Virginia, Ms. Lind documented withdrawing medications on the controlled drug record; however, she failed to document administration on the medication administration record. Specifically, Ms. Lind withdrew the following medications:

i. zolpidem (Schedule IV) and hydrocodone/apap (Schedule III) for Resident A;

ii. oxycodone/apap (Schedule II) for Resident B;

iii. lorazepam (Schedule IV) for Resident C;

iv. oxycodone/apap for Resident D;

v. hydrocodone/apap and clonazepam (Schedule VI) for Resident E.

b. On March 12, 2009, Ms. Lind withdrew clonazepam for Resident F and documented administration; however, on April 22, 2009, during an interview with an investigator from the Department of Health Professions, Ms. Lind stated that she received information from the L.P.N. with whom she was working that the resident refused the medication.

3. Testimony presented by Ms. Marti Dahl, Administrator at Gainesville, indicated that at the time of the March 2009 incidents concerning Ms. Lind, the facility did not conduct any audits of medication administration records unless there was a reason to investigate them.

4. On March 11, 2009, Vincent Akowuah, C.N.A., testified he observed Ms. Lind take a pill out of a resident's medication cup, put it in her mouth and ingest it. Ms. Lind testified that the resident from whom Ms. Lind allegedly took the pill was prescribed anti-seizure and dementia medications. Mr. Akowuah testified that two days prior to the March 11, 2009 incident, he observed Ms. Lind take a pill out of another resident's medication cup, but he did not observe what she did with that pill. Ms. Lind denied that she took or ingested any of the residents' medications.

5. On March 13, 2009, a drug test was administered to Ms. Lind, and she tested positive for Butalbital. There was no evidence presented that any of the Gainesville residents were prescribed Butalbital. Ms. Lind's employment was terminated from Gainesville as a result of the medication administration errors.

6. Ms. Lind testified that she regularly takes pain medication, including Vicodin, Fentanyl, and Hydrocodone. She is currently prescribed Clonazepam and Ambien. She further testified and provided evidence that she is currently in therapy and being treated for major depression and anxiety.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Stipulated Finding of Fact No. 2(a) constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.
2. Stipulated Finding of Fact No. 2(b) constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

### **ORDER**

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

1. Karen Lind, R.N., shall be placed on PROBATION, for one year of actual professional nursing practice, and subject to the following terms and conditions:
  - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Lind has completed one year of active employment as a professional nurse. The license of Ms. Lind shall be reinstated without restriction at the completion of the probationary period without a hearing 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, § 2.2-4000 et seq. and § 54.1-2400.9 et seq. of the Code.

b. Ms. Lind shall have a Treatment Summary from her current treatment providers, Carl Hunt, Psychiatrist, and Nadia M. Ashahani, M.A., L.P.C., sent to the Board within 45 days from the date this Order is entered. Ms. Lind shall comply with any recommendations of her treatment providers. Written quarterly progress reports by her treatment providers shall be sent to the Board by the last day of the months of March, June, September, and December until Ms. Lind is discharged from therapy. Ms. Lind shall direct her treatment providers to notify the Board if she withdraws from the treatment program before being officially discharged.

c. Ms. Lind 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. Lind is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Ms. Lind shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs.

e. Performance Evaluations shall be provided, at the direction of Ms. Lind, by all nursing employers, as provided by the Compliance Division. The first evaluation must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent evaluations must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

f. Ms. Lind shall practice nursing only in a structured /supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse who holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Lind shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

g. Ms. Lind 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.

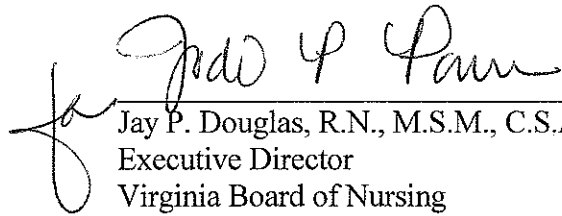
h. Ms. Lind shall return all copies of her license to practice as a professional nurse, to the Board office within ten days of the date of entry of this Order along with a payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Lind and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Lind shall be noticed to appear before the Board at such time as the Board is notified that there is a pending investigation or unresolved allegation against Ms. Lind involving a violation of law or regulation or any term or condition of probation or this Order.

3. This Order shall be applicable to Ms. Lind's multi-state licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Lind may 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 she wishes to work.

4. Ms. Lind shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

FOR THE BOARD

  
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Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director  
Virginia Board of Nursing  
  
April 2, 2010  
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, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, 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.