

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: RACHEL SOYKA, R.N.
 License No.: 0001-233944**

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 Board of Nursing ("Board") on September 4, 2013, in Henrico County, Virginia. Rachel Soyka, R.N., was present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Soyka was not present nor was she represented by legal counsel.

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

FINDINGS OF FACT

1. Rachel Soyka, R.N., was issued License No. 0001-233944 to practice professional nursing in Virginia on September 30, 2011. The license is scheduled to expire on November 30, 2014. Ms. Soyka also holds professional nursing licenses in Connecticut and Florida that are expired. Her primary state of residence is Virginia.

2. By letter dated August 9, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Soyka notifying her that an informal conference would be held on September 4, 2013. The Notice was sent by certified and first class mail to 102 Bradley Drive, Yorktown, Virginia 23692, the address of record on file with the Board of Nursing. The Notice was also sent to 13 Parish, Poquoson,

Virginia 23662, a secondary address.

3. During the course of her employment with the Emergency Department of Riverside Regional Medical Center, Newport News, Virginia, between August and October, 2012, Ms. Soyka diverted Percocet (oxycodone, Schedule II) from hospital supplies for her own personal and unauthorized use. She also took the medication while on duty. On October 30, 2012, Riverside Regional Medical Center terminated Ms. Soyka's employment as a result of her diversion.

4. Ms. Soyka voluntarily signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on November 13, 2012. On December 21, 2012, and April 4, 2013, she signed Recovery Monitoring Contracts with the HPMP. On July 19, 2013, HPMP dismissed Ms. Soyka from the program for noncompliance with the toxicology screening program, failing to respond to her case manager's attempts to contact her, and failing to complete the recommended intensive outpatient treatment program.

5. At the informal conference, Ms. Soyka stated that her diversion did not deprive patients of their medication. She further stated that she regrets the diversion, and she was never impaired at work. Ms. Soyka admitted that she has used Percocet in the past without a prescription. Her reported date of sobriety is October 12, 2012. Ms. Soyka currently attends three 12-step meetings per week, works the steps, and has a sponsor. Ms. Soyka intends to complete intensive outpatient treatment when she can financially afford to do so. Ms. Soyka is currently employed as a deckhand on a charter fishing boat.

CONCLUSIONS OF LAW

Finding of Fact No. 3 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

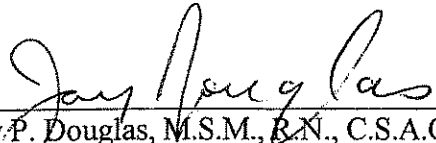
WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-233944 of Rachel Soyka, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Soyka shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Soyka 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.
4. This suspension applies to any multistate privilege to practice professional nursing.

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.

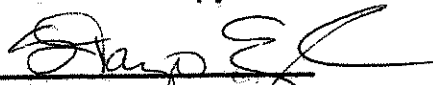
Pursuant to Section 54.1-2400(10) of the Code, Ms. Soyka may, not later than 5:00 p.m., on January 6, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD


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

Entered: December 4th, 2013

Certified True Copy

By 
Virginia Board of Nursing

This Order shall become final on January 6, 2014, unless a request for a formal administrative hearing is received as described above.