

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIMBERLY NICKEY, L.P.N.
License No.: 0002-068426

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. Kimberly Nickey, L.P.N., was not 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. Nickey 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. Kimberly Nickey, L.P.N., was issued License No. 0002-068426 to practice practical nursing by the Virginia Board of Nursing on April 14, 2004. Said license is set to expire on October 31, 2013. Her primary state of residence is Virginia.

2. By letter dated August 8, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Nickey notifying her that an informal conference would be held on September 4, 2013. The Notice was sent by certified and first class mail 10541 Boscastle Road, Glen Allen, Virginia 23060, the address of record on file with the Board of Nursing. The certified mail receipt was signed and

returned to the Board's office. The first class mail was not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Nickey, and the informal conference proceeded in her absence.

3. During the course of her employment with Medi Home Health and Hospice, Richmond, Virginia:

a. On February 12, 2013, when Patient A had a physician's order for 0.5mg of lorazepam (Schedule IV), every two to four hours, as needed, Ms. Nickey documented administering 1.75mg of lorazepam during a 45-minute period, which exceeded the physician's order by 1.25mg for the drug.

b. On February 13, 2013, when Patient A had a physician's order for 0.25ml to 0.5ml of morphine (Schedule II) every two to four hours, Ms. Nickey documented administering 1.25ml of morphine to Patient A during a one-hour period, which exceeded the physician's order by approximately 0.75ml for the narcotic. Patient A's family found Patient A unresponsive at the end of Ms. Nickey's shift.

c. On January 16, 2013, when Patient B had a physician's order for .3ml of Haldol (haloperidol, Schedule VI), as needed, every four hours, and 1ml of Dilaudid (hydromorphone, Schedule II), as needed, every four hours, Ms. Nickey documented administering 1.1 ml of Haldol and 2ml of Dilaudid to Patient B during a period of approximately 3 hours and 10 minutes. This exceeded the physician's order for Haldol by 0.8ml and exceeded the order for Dilaudid by 1ml.

d. From January 14, 2013, to January 15, 2013, during Ms. Nickey's 7:00 p.m. to 7:00 a.m. shift:

i. When Patient B did not have a physician's order for morphine, Ms. Nickey documented administering morphine to Patient B.

ii. When Patient B had a physician's order for 0.3ml of Haldol, every four hours, as needed, Ms. Nickey documented administering approximately 1.1ml of Haldol to Patient B during an approximately 3 hour and 15 minute period, which is 0.8ml more than the physician's order for the medication.

iii. When Patient B had a physician's order for Dilaudid, as needed, for pain, and a physician's order for Haldol, as needed, for agitation, Ms. Nickey documented administering Haldol and Dilaudid at 7:00 a.m. to Patient B without documenting a reason for administering the drugs.

4. Ms. Nickey admitted to a Department of Health Professions investigator that she administered medications based on what she was told by other nurses, and that she gave medications without knowing the physician's orders. Medi Home Health and Hospice terminated Ms. Nickey's employment on February 18, 2013, as a result of the above incidents. Ms. Nickey was previously counseled at Medi Home Health and Hospice on December 21, 2012, for poor performance and attitude, and for being argumentative. Ms. Nickey had been employed at Medi Home Health and Hospice since March 2010. Ms. Nickey had been previously employed at Lakewood Manor Nursing and Rehabilitation Center where her employment was terminated for misconduct on May 18, 2009. Her current employment status is unknown.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3(a)–3(d) constitute a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(a) and (b) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-068426 of Kimberly Nickey, L.P.N., is INDEFINITELY

SUSPENDED for a period of not less than 30 days.

2. At such time as Ms. Nickey provides the Board with verification that she has completed the NCSBN online courses: “*End-of-Life Care and Pain Management*,” “*Medication Errors: Detection and Prevention*,” and “*Professional Accountability and Legal Liability for Nurses*” this suspension shall be vacated and Ms. Nicky’s license shall be reinstated.

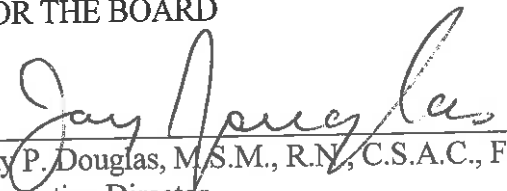
3. The license will be recorded as suspended and no longer current.

4. This suspension applies to any multistate privilege to practice practical 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.

Since Ms. Nickey failed to appear at the informal conference, this Order shall be considered final. Ms. Nickey 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, Ms. Nickey has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, 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., FRE, 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., FRE
Executive Director
Virginia Board of Nursing

Entered: December 4th, 2013