

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: NICOLE R. HIRT, R.N. REINSTATEMENT APPLICANT

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Nicole R. Hirt, R.N., who, prior to its mandatory suspension by the Department of Health Professions on May 5, 2010, held License No. 0001-217328, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on September 16, 2010, at 10:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Hirt will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Hirt has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Hirt desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Hirt’s application for reinstatement of her license to practice professional nursing in Virginia, and to inquire into evidence that Ms. Hirt may have violated certain laws and regulations governing nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Hirt, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice of professional nursing in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Hirt's license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

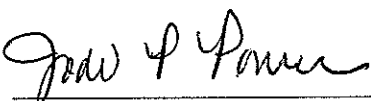
The Board alleges that:

1. Nicole R. Hirt, R.N., may have violated § 54.1-3007(7) of the Code in that on or about March 19, 2010, Ms. Hirt's license to practice professional nursing, issued by the Ohio Board of Nursing ("Ohio Board), was indefinitely suspended. This action was a result of Ms. Hirt's positive urine drug screen on or about July 14, 2008, while employed with Salem Community Hospital ("Salem Community"), Salem, Ohio, which found morphine (C-II), meperidine (C-II) and normeperidine (C-II) for which Ms. Hirt did not have a valid prescription, and Ms. Hirt's diversion of Demerol while on duty.

2. Ms. Hirt may have violated § 54.1-3007(6) of the Code in that she may be unsafe to practice as a professional nurse due to her abuse of narcotics. By her own admission, Ms. Hirt began abusing narcotic medication during the winter of 2007, and she would divert narcotic medication, between two to four times a week, from her employer Salem Community until she was caught on or about July 14, 2008.

3. Ms. Hirt may have violated § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing in that on her application for licensure by endorsement to practice professional nursing received by the Board on February 10, 2009, Ms. Hirt answered "NO" to the question "Has your practice ever been the subject of an investigation by a licensing authority?" when, in fact, by her own admission, Ms. Hirt was aware an investigation by the Ohio Board at the time she submitted her application for licensure by endorsement to the Virginia Board of Nursing.

FOR THE BOARD



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

ENTERED: August 27, 2010