

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KAREN J. WHITAKER, R.N. REINSTATEMENT APPLICANT
License No.: 0001-201211

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 September 16, 2013, in Henrico County, Virginia, to receive and act upon the application of Karen J. Whitaker for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by Order of the Department of Health Professions on July 14, 2008, and to inquire into evidence that Ms. Whitaker may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Whitaker was present and was not represented by legal counsel. 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 J. Whitaker was issued License No. 0001-201211 to practice professional nursing in the Commonwealth of Virginia on June 13, 2006. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on July 14, 2008. Ms. Whitaker testified that she has residence in Virginia and Tennessee.

2. By order entered on June 17, 2008, by the United States District Court, Eastern District of Tennessee, Ms. Whitaker was convicted of acquiring a controlled substance by misrepresentation, a felony. Said conviction formed the basis of the mandatory suspension of Ms. Whitaker's license.

3. During the course of her employment with the Department of Veterans Affairs Medical Center, Mountain Home, Tennessee, between December 1 and 26, 2006, Ms. Whitaker diverted morphine for her personal and unauthorized use.

4. Between December 21, 2010, and January 1, 2011, while on court-ordered probation, Ms. Whitaker used a variety of narcotic medications, to include Roxicodone (oxycodone, Schedule II) and Dilaudid (hydromorphone, Schedule II), for which she did not have valid prescriptions.

5. Between January 2 and 4, 2011, Ms. Whitaker used Subutex (buprenorphine, Schedule III) for which she did not have a valid prescription.

6. At the hearing, Ms. Whitaker stated that she did not contest any of the facts that were presented before the Board. She testified that the reason she petitioned for reinstatement was to get a clear license so she can go to law school. However, in her interview with the Department of Health Professions Investigator, she stated she wanted to obtain her Virginia license so she could return to the practice of nursing. Ms. Whitaker stated that after an initial sobriety date, she relapsed into her use of drugs.

7. Ms. Whitaker provided no written evidence that she is currently attending Narcotics Anonymous meetings.

8. Although Ms. Whitaker stated that she has maintained her ability to practice by taking hours of continuing education units, she provided no written evidence of the completion of these hours.

9. Ms. Whitaker testified that she has no intention to go back into nursing and plans to leave Virginia. She continued to testify that she has no desire to return to patient care.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(4) of the Code.

2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and

18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

3. Findings of Fact Nos. 4 and 5 constitute a violation of § 54.1-3007(6) of the Code.
4. Ms. Whitaker has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

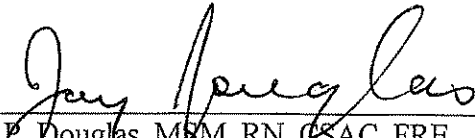
ORDER

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

1. The application of Karen J. Whitaker for reinstatement of License No. 0001-201211 to practice professional nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Karen J. Whitaker be CONTINUED on INDEFINITE SUSPENSION. At such time as she shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.
2. The license shall be recorded as suspended.
3. This Order shall be applicable to Ms. Whitaker's multistate licensure privileges, if any, to practice professional nursing.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



Jay P. Douglas, M.M., RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

Certified True Copy

By *dgraham*
Virginia Board of Nursing

October 8th, 2013
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 M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, 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.