

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

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”), Karen J. Whitaker, who, prior to its mandatory suspension by the Department of Health Professions on July 14, 2008, held License No. 0001-201211 to practice professional nursing in Virginia, 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, 2013, at 1:00 p.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. Whitaker will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Whitaker 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. Whitaker 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 the application of Karen J. Whitaker for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by 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, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Whitaker, as the petitioner, 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. Whitaker'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. Karen J. Whitaker may have violated § 54.1-3007(4) of the Code in that, by order entered on or about 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.

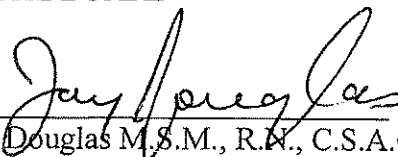
2. Ms. Whitaker may have violated § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that during the course of her employment with the Department of Veterans Affairs Medical Center, Mountain Home, Tennessee, between December 1 and 26, 2006, Ms. Whitaker diverted morphine for her personal and unauthorized use.

3. Ms. Whitaker may have violated § 54.1-3007(6) of the Code in that she may be unable to safely practice professional nursing due to substance abuse, as evidenced by the following:

a. 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.

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

FOR THE BOARD



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

ENTERED: August 22nd, 2013