



COMMONWEALTH of VIRGINIA

Department of Health Professions

Perimeter Center

9860 Mayland Drive, Suite 300

Richmond, Virginia 23233-1463

www.dhp.virginia.gov

TEL (804) 367-4400

FAX (804) 527-4475

Sandra Whitley Ryals
Director

RECEIVED

JUL 15 2008

July 14, 2008

VA BD OF NURSING

Karen J. Whitaker
1660 Dawson Avenue
Big Stone Gap, VA 24219

CERTIFIED MAIL

**DUPLICATE COPY
VIA FIRST CLASS MAIL**

DATE 7/14/08

RE: License No.: 0001-201211

Dear Ms. Whitaker:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered July 14, 2008. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Sandra Whitley Ryals, Director
Department of Health Professions

cc: Nikki C. Pierce, Esquire
Enclosures
Case #118986

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

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

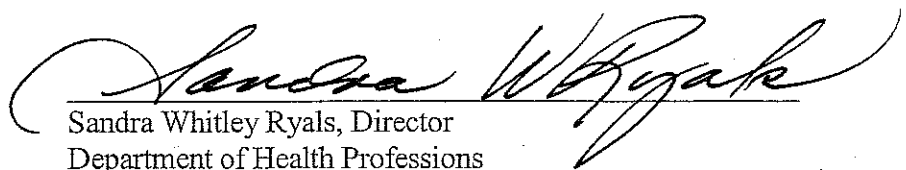
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Sandra Whitley Ryals, Director of the Virginia Department of Health Professions, received and acted upon evidence that Karen J. Whitaker, R.N., was convicted of a felony charge in the United States District Court, Eastern District of Tennessee, Greenville Division, to wit: One (1) Count of Acquiring a Controlled Substance by Misrepresentation. A certified copy of the Judgment in a Criminal Case is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Karen J. Whitaker, R.N., to practice as a professional nurse in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Karen J. Whitaker, R.N., will be recorded as suspended and no longer current. Should Ms. Whitaker seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.


Sandra Whitley Ryals, Director
Department of Health Professions

ENTERED: July 14, 2008



COMMONWEALTH of VIRGINIA

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Director

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CERTIFICATION OF DUPLICATE RECORDS

I, Sandra Whitley Ryals, Director of the Department of Health Professions, hereby certify that the attached Judgment in a Criminal Case dated June 17, 2008, regarding Karen J. Whitaker, R.N., are true copies of the records received from the United States District Court, Eastern District of Tennessee, Greenville Division.

Sandra Whitley Ryals

Date:

July 14, 2008

United States District Court Eastern District of Tennessee

U.S. DISTRICT COURT GREENEVILLE TN

2008 JUN 18 P 12:11

UNITED STATES OF AMERICA v. KAREN J. WHITAKER

JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 4, 1987)

FILED

Case Number: 2:07-CR-100

Nikki C. Pierce Defendant's Attorney

THE DEFENDANT:

- [x] pleaded guilty to count(s): Two of the Indictment
[] pleaded nolo contendere to count(s) ___ which was accepted by the court.
[] was found guilty on count(s) ___ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Table with 4 columns: Title & Section, Nature of Offense, Date Offense Concluded, Count Number(s). Row 1: 21:843(a)(3), Acquiring a controlled substance by misrepresentation, 12/25/06, Two

The defendant is sentenced as provided in pages 2 through 5 of this judgment and the Statement of Reasons. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and 18 U.S.C. §3553.

- [] The defendant has been found not guilty on count(s) ___.
[x] Count(s) One and Three of the Indictment [] is [x] are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Date of Imposition of Judgment 6/9/08

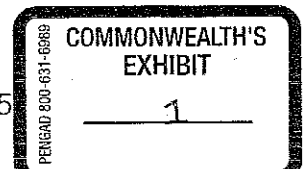
Signature of Judicial Officer [Handwritten Signature]

J. RONNIE GREER, United States District Judge Name & Title of Judicial Officer

Date 6/17/08

I hereby certify that this is a true and correct copy of the electronic filed original document. ATTEST: Patricia L. McNutt

By: [Handwritten Signature] Deputy Clerk



DEFENDANT: KAREN J. WHITAKER
CASE NUMBER: 2:07-CR-100

PROBATION

The defendant is hereby placed on probation for a term of 5 years.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: KAREN J. WHITAKER
CASE NUMBER: 2:07-CR-100

SPECIAL CONDITIONS OF SUPERVISION

1. You shall serve 30 days incarceration intermittently for periods no less than 48 hours and at times agreed to by the probation officer. This 30 days is in addition to time already served.
2. You shall participate in a program of testing and treatment for drug and/or alcohol abuse, as directed by the probation officer, until such time as you are released from the program by the probation officer.
3. You shall participate in a program of mental health treatment, as directed by the probation officer, until such time as you are released from the program by the probation officer. You shall waive all rights to confidentiality regarding mental health treatment in order to allow release of information to the supervising United States Probation Officer and to authorize open communication between the probation officer and the mental health treatment provider.
4. You shall inform the probation officer of all healthcare providers that you see, provide the probation officer with a list of all prescribed medication, and provide a copy of any new prescriptions you receive to the probation officer.

DEFENDANT: KAREN J. WHITAKER
CASE NUMBER: 2:07-CR-100

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 6. The assessment is ordered in accordance with 18 U.S.C. § 3013.

Totals:	<u>Assessment</u> \$ 100.00	<u>Fine</u> \$ 0	<u>Restitution</u> \$ 0
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- The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, if the United States is a victim, all other victims, if any, shall receive full restitution before the United States receives any restitution, and all restitution shall be paid to the victims before any restitution is paid to a provider of compensation, pursuant to 18 U.S.C. §3664.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
TOTALS:	\$ _	\$ _	

- If applicable, restitution amount ordered pursuant to plea agreement \$ _
The defendant shall pay interest on any fine or restitution of more than \$2500, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).
- The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
 - The interest requirement is waived for the fine and/or restitution.
 - The interest requirement for the fine and/or restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: KAREN J. WHITAKER
CASE NUMBER: 2:07-CR-100

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A Lump sum payment of \$ 100.00 due immediately.
 not later than __, or
 in accordance with C, D, or E or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in ___ (e.g., equal, weekly, monthly, quarterly) installments of \$ ___ over a period of _ (e.g., months or years), to commence _ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in ___ (e.g., equal, weekly, monthly, quarterly) installments of \$ ___ over a period of _ (e.g., months or years), to commence _ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within 0 (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. Unless otherwise directed by the court, the probation officer, or the United States attorney, all criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, shall be made to U.S. District Court, 220 W. Depot St., Suite 200, Greeneville, TN 37743. Payments shall be in the form of a check or a money order, made payable to U.S. District Court, with a notation of the case number including defendant number.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States: