

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       KRYSTINA L. KIRK, L.P.N.**  
**License No.: 0002-074193**

**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 March 21, 2016, in Henrico County, Virginia, to receive and act upon the mental health/ chemical dependency evaluation of Ms. Kirk as required in the Order of the Board entered on September 17, 2013, and to inquire into evidence that Ms. Kirk may have violated certain laws governing practical nursing practice in Virginia. The case was presented by Amy E. Weiss, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Kirk 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.       Krystina L. Kirk, L.P.N. was issued License Number 0002-074193 to practice practical nursing in the Commonwealth of Virginia on August 18, 2006. Said license was suspended by Order of the Board entered September 17, 2013. Ms. Kirk's primary state of residence is Virginia.
2.       By Order of the Board entered September 7, 2012, Ms. Kirk was ordered to have an evaluation by a mental health/ chemical dependency specialist satisfactory to the Board. Ms. Kirk failed to do so within the specified time frame.
3.       By Order of the Board entered September 17, 2013, Ms. Kirk was reprimanded and her license was suspended until such time as she had an evaluation by a mental health/ substance abuse specialist. The

Order also allowed the Board to request Ms. Kirk to reappear before the Board to consider the specialist's recommendations and make a final disposition in the matter.

4. On March 3, 2015, Ms. Kirk received a mental health/substance abuse evaluation from the Hampton-Newport News Community Services Board, Hampton, Virginia. She was diagnosed with opioid dependence and sedative, hypnotic, or anxiolytic use dependence and she tested positive for alcohol on a drug screen. Furthermore, between February 14, 2014, and April 16, 2015, Ms. Kirk received 11 prescriptions for narcotic pain medications, from 10 prescribers, and had the prescriptions filled at 5 pharmacies. However, Ms. Kirk informed the evaluator that she last used opiates in 2011, she denied any current opiate usage, and she did not report any medical history concerning pain, or that she had been taking any narcotic pain medications.

5. In addressing the results of the evaluation in Finding of Fact No. 4, Ms. Kirk testified that she does not drink, but that she took Nyquil and that was why she tested positive for alcohol. She further told the Board that she had so many prescriptions during that time frame because she broke her arm and had other medical issues. She also explained that she has two houses, one in Virginia Beach, and one in Martinsville, which was why she received her prescriptions from five different pharmacies.

6. Ms. Kirk told the Board that she had been through some very hard times, but she was different now. She stated that she is following the 12 Steps on her own, and that she last attended an NA or AA meeting about two years ago. Ms. Kirk testified that she is not currently seeing any mental health providers or seeking chemical dependency treatment. Ms. Kirk told the Board that, in her opinion, she has a good support system of friends and family.

7. When asked her sobriety date, Ms. Kirk said that January 21, 2012, was her "wake up call." She then stated that "she failed" when she took narcotics for her medical needs. Ms. Kirk told the Board that she is a narcotic user and a drug dependent person.

8. Ms. Kirk also testified that she wants to be a nurse but that she does not currently have time for it. She stated that a nurse's work schedule does not fit her current lifestyle.

9. Ms. Kirk stated she last worked as a nurse on January 21, 2012, and that she stays current with nursing by watching news and reading.

### CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

### ORDER

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

1. License No. 0002-074193 issued to Krystina L. Kirk, L.P.N. to practice practical nursing in the Commonwealth of Virginia is hereby CONTINUED on INDEFINITE SUSPENSION. Said suspension shall be STAYED upon proof that Ms. Kirk has entered the Health Practitioners' Monitoring Program ("HPMP") and upon the following terms and conditions:

a. Ms. Kirk shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Kirk, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Kirk is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

2. Upon receipt of evidence of Ms. Kirk's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Kirk's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

3. Ms. Kirk shall provide the Board with verification that she has completed a Board-approved refresher course prior to her return to practice. This course shall not be credited toward the continued competency requirements for the next renewal of her license.

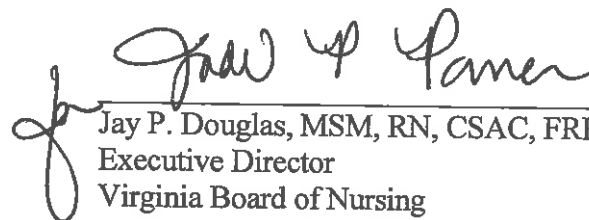
4. This Order shall be applicable to Ms. Kirk's multistate licensure privileges, if any, to practice practical nursing. It is further ordered that for the duration of this Order, Ms. Kirk may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

5. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Kirk and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

6. Ms. Kirk shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

April 14, 2016  
ENTERED

Certified True Copy

By   
Virginia Board Of Nursing

**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, MSM, RN, CSAC, FRE, 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.