

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KAREN BANDY, R.N.
 License No.: 0001-135941**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on November 4, 2014 in Henrico County, Virginia. Ms. Bandy was not present nor was she represented by legal counsel. Judith Piersall, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Bandy was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Karen Bandy, R.N., was issued License No. 0001-135941 to practice professional nursing in Virginia on December 2, 1993. Said license was suspended by Order of the Board entered on October 1, 2010, was reinstated by Order of the Board entered on September 9, 2013, and is now set to expire on December 31, 2014. Ms. Bandy's primary state of residence is Virginia.

2. By letter dated October 14, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Bandy notifying her that an informal conference would be held on November 4, 2014. The Notice was sent by certified and first class mail to 541 Norman Street, Apt. 3,

Petersburg, Virginia, 23803, the address of record on file with the Board of Nursing. As of November 4, 2014, neither the first class mail nor the certified mail had been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Bandy and the informal conference proceeded in her absence.

3. By Board Order, entered September 9, 2013 (“Board’s Order”), Ms. Bandy’s license was reinstated contingent upon her re-entry into the Health Practitioners’ Monitoring Program (“HPMP”) and continued compliance with the program’s terms and conditions. This Order was based on findings that Ms. Bandy had an addiction to benzodiazepines and a history of entry into and dismissal from the HPMP. Ms. Bandy re-entered the program on October 11, 2013.

4. Ms. Bandy stopped calling the toxicology test line after January 3, 2014 and she submitted a resignation letter on January 31, 2014, effective January 2, 2014. She then resumed calling the test line on March 7, 2014, and stopped calling the test line again after March 25, 2014. On March 26, 2014, she called her case manager and left a message indicating she wished to resign from the HPMP. Ms. Bandy was dismissed from the HPMP on April 9, 2014.

5. Ms. Bandy failed to respond to attempts made by an investigator with the Virginia Department of Health Professions to gather information regarding her departure from the HPMP.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of Term No. 1 of the Board’s Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-135941 of Karen Bandy, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Bandy shall petition the Board for reinstatement of her license, an

administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of nursing. Ms. Bandy shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice professional nursing.
5. Ms. Bandy is hereby REPRIMANDED.

Pursuant to § 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.

Since Ms. Bandy failed to appear at the informal conference, this Order shall be considered final. Ms. Bandy has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Bandy has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

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

Certified True Copy

By *Y. Robinson-Howers*
Virginia Board of Nursing

Entered: *February 20, 2015*