

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: KAREN BANDY, R.N.**

**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 June 8, 2010, in Henrico County, Virginia. Karen Bandy, R.N., was not present and was not represented by legal counsel. Janet B. Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 15, 2010, 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 as a professional nurse in Virginia on December 2, 1993. The license is current and will expire on December 31, 2010.
2. By letter dated May 12, 2010, the Board sent a Notice of Informal Conference ("Notice") to Ms. Bandy notifying her that an informal conference would be held on June 8, 2010. The Notice was sent by certified and first class mail to 161 Lee Street, Bowling Green, Virginia 22427, the address of record on file with the Board. The certified letter was delivered and the Board received the US Postal Service delivery confirmation on May 19, 2010. The first class mail was not returned to the

Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Bandy and the informal conference proceeded in her absence.

3. On February 13, 2009, after finding Ms. Bandy unsafe to practice due to substance abuse, the Board entered an Order taking no action against Ms. Bandy contingent upon her remaining in compliance with the Health Practitioners' Monitoring Program ("HPMP").

4. On December 1, 2009, Ms. Bandy reported to her HPMP case manager that she took 20 doses of Bactrim and two doses of Vicodin (hydrocodone/acetaminophen – Schedule III) that had not been prescribed to her. After learning that Ms. Bandy had taken the non-prescribed medications, her case manager made numerous telephone contact attempts and sent written correspondence to Ms. Bandy to arrange an assessment and determine a treatment plan. In response, Ms. Bandy left a voicemail message to her case manager on December 7, 2009, stating that HPMP "could do whatever they wanted to do with [her] license." Ms. Bandy's case manager sent a final letter directing her to contact her by January 4, 2010. Ms. Bandy did not respond to the final letter. On February 19, 2010, Ms. Bandy was dismissed from the HPMP for non-compliance with her HPMP program contract.

5. In an interview with an investigator from the Department of Health Professions on February 10, 2010, Ms. Bandy acknowledged taking two Vicodin tablets belonging to her son. She stated that she took the Vicodin because she was having tooth pain and over-the-counter medications had been not been effective. She stated further that since her underlying addiction was to benzodiazepines, she did not consider taking her son's Vicodin a relapse. Ms. Bandy reported her sobriety date to be January 14, 2008. Ms. Bandy stated that she is not working on any recovery plan, does not attend any 12-step meetings, and has discontinued the counseling that she had been receiving from the Rappahannock Community Services Board. Ms. Bandy stated that she is appreciative of the

services that HPMP provided, but does not believe she needs to be part of the program any longer to demonstrate that she is safe to practice.

6. Ms. Bandy's last nursing jobs were at Remuda Ranch, Milford, Virginia, an eating disorders clinic, and Snowden at Fredericksburg, Fredericksburg, Virginia, a mental health treatment facility. Ms. Bandy stated that she quit both of these jobs in January, 2008.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 4 constitutes a violation of Term 1 of the Order of the Board entered February 13, 2009.

2. Findings of Fact Nos. 4 and 5 constitute a violation of § 54.1-3007(6) of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Karen Bandy, R.N., is hereby REPRIMANDED.

1. License No. 0001-135941 issued to Karen Bandy, R.N., is INDEFINITELY SUSPENDED for a period of not less than two years.

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 professional 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.


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, R.N., M.S.M., C.S.A.C., 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.

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.

FOR THE BOARD

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

Entered: October 1, 2010