

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KAREN M. 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 December 19, 2008 in Henrico County, Virginia. Karen M. Bandy, R.N., was present and was not represented by legal counsel. Jane Elliot, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2009, 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. Ms. Bandy submitted written comments/objections.

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 M. Bandy, R.N., was issued License No. 0001-135941 to practice professional nursing in Virginia on December 2, 1993. The license is current and will expire on December 31, 2010.

2. By letter dated November 12, 2008, the Board sent a Notice of Informal Conference ("Notice") to Ms. Bandy notifying her that an Informal Conference would be

held on December 19, 2008. The Notice was sent by certified and first class mail to 12441 Ladysmith Road, Ruther Glen, Virginia 22546, the address of record on file with the Board.

3. During the course of her employment at Snowden at Fredericksburg, in Fredericksburg, Virginia, on January 10, 2008, Ms. Bandy was observed at work with an unstable gait and having difficulty with normal tasks such as putting a key into a keyhole. Ms. Bandy's speech was slurred and she appeared to her employer to be having trouble focusing mentally.

4. When her employer asked her to take a urine drug screen, Ms. Bandy refused, immediately left work, and never returned. Ms. Bandy was terminated by her employer on January 11, 2008.

5. According to Martha Ann Spruill, Case Manager with the Health Practitioners' Intervention Program ("HPIP"), Ms. Bandy signed a Participation Contract on March 15, 2008, and a Recovery Monitoring Contract on August 25, 2008, in which Ms. Bandy acknowledged that her substance use disorder and mental illness may impair her ability to practice professional nursing safely.

6. Ms. Spruill stated that Ms. Bandy was in compliance with HPIP and that HPIP was aware of Ms. Bandy's part-time employment at a truck stop.

7. Ms. Bandy stated that she entered Rappahannock Area Community Services Board's intensive outpatient treatment at A Woman's Place, Fredericksburg, Virginia, on August 4, 2008, and remains an active participant.

8. Ms. Bandy stated that currently she is seeing her psychiatrist once per month and attends Narcotics Anonymous two times per week. Additionally, she counsels

with her pastor two times per week. Ms. Bandy stated that her primary support systems are her parents, her adult children, and her church family.

CONCLUSIONS OF LAW

Findings of Fact #3 and #4 constitute a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION against Karen M. Bandy, R.N., contingent upon her continued compliance with the Health Practitioners' Intervention Program ("HPIP") for the period specified by the HPIP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Bandy, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Bandy shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Bandy is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;
 - b. There is a pending investigation or unresolved allegation against Ms. Bandy involving a violation of law or regulation or any term or condition of this Order; or
 - c. Ms. Bandy has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Bandy's participation in and compliance with the HPIP, the Board, at its discretion, may waive Ms. Bandy's appearance before the Board and conduct an administrative review of this matter.
3. Ms. Bandy shall maintain a course of conduct in her capacity as a

professional nurse commensurate with the requirements of §54.1-3000 *et seq.* of the Code and Regulations Governing the Practice of Nursing.

4. This Order is applicable to Ms. Bandy's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Bandy shall 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 Ms. Bandy wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

This Order is subject to appeal to the Board. If Ms. Bandy desires a formal administrative hearing before the Board pursuant to §§2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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

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

Entered: February 13, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to 12441 Ladysmith Road, Ruther Glen, Virginia 22546.

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

February 13, 2009
DATE

Certified True Copy

By *drahem*
Virginia Board of Nursing