

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KAREN HALE, R.N.
License No.: 0001-131799**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on May 7, 2013, in Henrico County, Virginia. Karen Hale, R.N., was present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Hale 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 Hale, R.N., was issued License No. 0001-131799 to practice professional nursing in Virginia on March 18, 1993. The license is scheduled to expire on February 28, 2015. Ms. Hale's primary state of residence is Virginia.
2. By letter dated April 15, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Hale notifying her that an informal conference would be held on May 7, 2013. The Notice was sent by certified and first class mail to P.O. Box 134, Wake, Virginia 23176, the address of record on file with the Board of Nursing.
3. During the course of her employment with St. Mary's Hospital, Richmond, Virginia, from November, 2011, to November, 2012, on numerous occasions Ms. Hale diverted Dilaudid

(hydromorphone, Schedule II) and morphine (Schedule II) from hospital supplies as evidenced by the following:

a. Ms. Hale admitted that she removed syringes of narcotics from the Pyxis system, and she removed small amounts of the narcotics using a smaller syringe. Ms. Hale then returned the syringes to the Pyxis. At the informal conference, Ms. Hale stated that she used the narcotics at work, regularly injecting herself with small amounts up to three times a day.

b. On November 15, 2012, Ms. Hale submitted to a for-cause drug screen that was positive for morphine and hydromorphone, for which she did not have a current prescription.

c. An audit conducted by St. Mary's Hospital of Ms. Hale's medication transactions noted that during the fourth quarter of 2012, she cancelled approximately 60% of her morphine PCA transactions at one station and approximately 48% of her morphine PCA transactions at another station. Moreover, on approximately 58 occasions in October and November, 2012, Ms. Hale removed hydromorphone and morphine for patients that were not assigned to her, and then she either cancelled the transaction or failed to document administering the medication.

d. Ms. Hale was placed on administrative leave as a result of the above incidents.

4. On November 19, 2012, the Health Practitioners' Monitoring Program ("HPMP") received a signed Participation Contract from Ms. Hale in which she acknowledged that she suffers from the disease of alcoholism and/or chemical dependency and/or mental illness and/or physical illness, which impairs her ability to practice her health profession safely as evidenced by the Board's investigation and her reported history of substance abuse. Ms. Hale signed a Recovery Monitoring Contract with the HPMP on December 17, 2012.

5. In a report of noncompliance dated April 4, 2013, the HPMP placed Ms. Hale on warning status because in March 2013 she submitted two dilute urine drug screens. She admitted that

she took two Percocet (oxycodone, Schedule II) and two Opana (oxymorphone, Schedule II). At the informal conference, Ms. Hale admitted that she relapsed during that time period.

6. Ms. Hale stated that she attends 3 to 5 meetings of 12-step programs per week and has daily contact with her sponsor. Ms. Hale reported her date of sobriety as March 16, 2013. Ms. Hale is not currently working.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

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. License No. 0001-131799 of Karen Hale, R.N., to practice professional nursing is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Hale 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. Hale 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. This suspension shall be STAYED contingent upon Ms. Hale's continued compliance with the HPMP. The indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Hale shall comply with all terms and conditions 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. Hale, and an administrative proceeding shall be held to determine 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. Hale is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Hale's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Hale involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Hale's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Hale's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

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

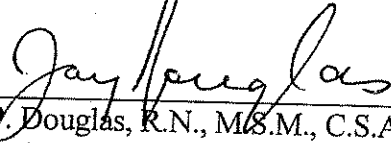
8. Ms. Hale shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing

Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Hale may, not later than 5:00 p.m., on September 9, 2013, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:



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

ENTERED: August 7th, 2013

This Order shall become final on September 9, 2013 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing