

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:        MARIA POLINTAN, R.N.  
              License No.: 0001-220949**

**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 May 7, 2013, in Henrico County, Virginia. Maria Polintan, R.N., was not present nor was she 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. Polintan 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. Maria Polintan, R.N. was issued License No. 0001-220949 to practice as a professional nurse by the Virginia Board of Nursing on August 20, 2009. Said license is valid in Virginia only and is set to expire on July 31, 2014. Her primary state of residence is Virginia.
2. By letter dated April 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Polintan 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.S.C. 80, Box 10555, APO AP 96367, the address of record on file with the Board of Nursing. The certified mail and first class mail were not returned to the Board's office. The Notice was also sent to 1894 Bloomfield Drive, Virginia Beach, Virginia 23453, a secondary address. The certified mail receipt was signed and returned to the Board's office. The first

class mail was not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Polintan, and the informal conference proceeded in her absence.

3. Pursuant to a Consent Order with the Board of Nursing entered June 16, 2009 ("Board's Order"), Ms. Polintan was granted a license to practice as a professional nurse provided she enter into, and remain compliant with, the terms and conditions of the Health Practitioners' Monitoring Program ("HPMP"; formerly the Health Practitioners' Intervention Program). This action was taken because Ms. Polintan received two DUI's in 2006. She had no alcohol related incidents prior to, and has had none following, 2006.

4. Ms. Polintan signed a Participation Contract with the HPMP on June 18, 2009, and seven Recovery Monitoring Contracts between June 2009 and June 2011.

5. On July 20, 2012, Ms. Polintan was dismissed from the HPMP for noncompliance with her contract, based upon her failure to call the testing line, submit monthly reports, and contact her case manager since February 2012.

6. Ms. Polintan moved to Okinawa, Japan in the beginning of 2010, and she remained in compliance with the HPMP until she had a baby in February 2012. Ms. Polintan's son was ill with jaundice soon after his birth. Around the same time, the HPMP assigned Ms. Polintan a new case manager. Ms. Polintan tried numerous times but was unable to have contact with her new case manager. Prior to the birth of her son, Ms. Polintan checked-in with the urine drug screen test line every day from Japan, which is in a time zone with a 13-hour time difference from Virginia. If she had to provide a urine drug screen, Ms. Polintan drove to the local emergency room because the military base hospital, where she normally received care, was closed at night. She could not wait until morning as that would be too long to wait for screening. Moreover, Ms. Polintan was sober for three years before entering HPMP and has a sobriety date of October 28, 2006. This continues to be her sobriety

date.

7. Since November 2010, Ms. Polintan has been employed as a human resource assistant at Kadena Air Force Base in Japan. She has never been able to work as a professional nurse. The HPMP told her that she could not work as a professional nurse because of a lack of monitoring overseas. Ms. Polintan informed the Department of Health Professions investigator that she is scheduled to move to Germany in April 2013, as her husband has been assigned there.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 5 constitutes a violation of Term 3(a) of the Board's Order.
2. Maria Polintan has substantially complied with the terms and conditions of the Board's Order.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. The Board shall IMPOSE NO SANCTION against Ms. Polintan.
2. The terms and conditions of the Board's Order are TERMINATED. Maria Polintan, R.N., shall be issued an unrestricted license to practice professional nursing in the Commonwealth of Virginia.

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.

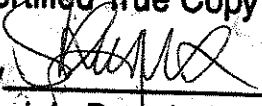
Since Ms. Polintan failed to appear at the informal conference, this Order shall be considered final. Ms. Polintan has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Polintan has thirty (30) days from the 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.

FOR THE BOARD:

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

Entered: August 7<sup>th</sup>, 2013

**Certified True Copy**  
By   
\_\_\_\_\_  
Virginia Board of Nursing