

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KIM WHITT, L.P.N.
 License No.: 0002-085191**

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 April 18, 2013, in Henrico County, Virginia. Ms. Whitt was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., 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. Whitt 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. Kim Whitt, L.P.N., was issued License No. 0002-085191 to practice practical nursing in Virginia on July 15, 2011. The license expired on January 31, 2013. Her primary state of residence is Virginia.
2. By letter dated March 21, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Whitt notifying her that an informal conference would be held on April 18, 2013. The Notice was sent by certified and first class mail to 1086 Kimberlin Rd., Rural Retreat, Virginia 24368, the address of record on file with the Board of Nursing. The certified mail was delivered to Ms. Whitt's address of record. The first class letter sent to Ms. Whitt has not been returned to the Board. The

Agency Subordinate concluded that adequate notice was provided to Ms. Whitt, and the informal conference proceeded in her absence.

3. On December 4, 2011, during the course of Ms. Whitt's employment as a practical nurse at Carrington Place at Wytheville, Wytheville, Virginia:

a. Ms. Whitt diverted nine tablets of methadone 5 mg and 15 tablets of methadone 10 mg (both Schedule II) from a medication cart for her own personal and unauthorized use. Ms. Whitt stated to the Department of Health Professions' investigator that she diverted the medication to wean herself off hydrocodone (Schedule III), to which she admitted being addicted.

b. Ms. Whitt failed to add two narcotic prescriptions delivered to her medication cart to the cart's inventory record. This allowed Ms. Whitt to divert the methadone from the cart without showing a change in the overall inventory of the cart.

4. Ms. Whitt enrolled in the Health Practitioners' Monitoring Program ("HPMP") on April 20, 2012, and was granted a stay of disciplinary action on July 13, 2012, which was vacated on August 3, 2012. On October 19, 2012, Ms. Whitt was dismissed from the HPMP for noncompliance, including failure to return a recovery monitoring contract by the specified deadline, failure to submit reporting forms in June 2012, missed check-ins to the test line on June 19 and July 30, 2012, and a failed urine drug screen on July 24, 2012. The discharge diagnosis included opioid dependence.

5. Ms. Whitt's current employment status is unknown.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) 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 ("Regulations").

2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2) and (5) of the Code and

18 VAC-90-20-300(A)(2)(e) of the Regulations.

3. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Kim Whitt to renew License No. 0002-085191 is INDEFINITELY SUSPENDED.

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

3. At such time as Ms. Whitt 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 practical nursing. Ms. Whitt 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.

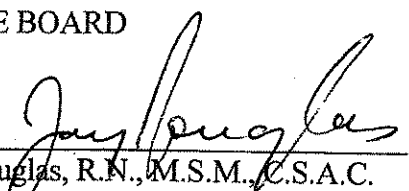
4. This suspension applies to any multistate privilege to practice practical nursing.

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. Whitt failed to appear at the informal conference, this Order shall be considered final. Ms. Whitt 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. Whitt 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



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

Entered: August 6th, 2013

Certified True Copy

By 

Virginia Board of Nursing