

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIMBERLY LEFTWICH, R.N.
License No.: 0001-160613

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 8, 2013, in Henrico County, Virginia. Kimberly Leftwich, R.N., was present and was not represented by legal counsel. Janet Younger, Ph.D., R.N., P.N.P., 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. Leftwich was present and was not 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. Kimberly Leftwich, R.N., was issued License No. 0001-160613 to practice professional nursing in Virginia on July 31, 1998. The license is set to expire on August 31, 2014. Her primary state of residence is Virginia. Ms. Leftwich also holds License No. 0024-166238 to practice as a nurse practitioner in the area of family practice and Authorization to Prescribe No. 0017-138135, which expire on August 31, 2014.

2. By letter dated April 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Leftwich notifying her that an informal conference would be held on May 8, 2013. The Notice was sent by certified and first class mail to 272 Shady Square, Galax, Virginia 24333, the address of record on file with the Board of Nursing.

3. By her own admission, in 2011, Ms. Leftwich wrote prescriptions for herself, using her husband's name as the patient. The prescriptions were for her regularly prescribed medications, which included synthroid, zantac, and atenolol. Ms. Leftwich was indicted in the Carroll County, Virginia, Circuit Court on seven counts of felony obtaining prescriptions by fraud. The matter was taken under advisement until October 9, 2013.

4. On October 26, 2011, Ms. Leftwich was involved in a motor vehicle accident, where she failed all administered field sobriety tests and registered a .30 blood alcohol content on the breathalyzer machine. In relation to this incident, she pled guilty to and was convicted of driving while intoxicated, second offense within two years, in the Grayson County, Virginia, Circuit Court on August 31, 2012. She was sentenced to 12 months incarceration and served a total of 45 days. She is currently on probation for this offense.

5. On March 14, 2012, Ms. Leftwich voluntarily entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"). She signed a Recovery Monitoring Contract on April 30, 2013. She was dismissed from the HPMP on July 20, 2012, for noncompliance, including failing to comply with the urine toxicology screening program.

6. Ms. Leftwich completed a 30-day inpatient substance abuse treatment program at Rubicon H.O.P.E. on March 24, 2012. She currently attends outpatient substance abuse treatment at the Ringer Center in Greensboro, North Carolina. She attends Alcoholics Anonymous once a week and has a sponsor with whom she talks weekly. She stated at the informal conference that her date of sobriety was February 14, 2012 and that her only substance of abuse was alcohol. She indicated a willingness to re-enter the HPMP.

7. Ms. Leftwich was employed at Mid-Atlantic Elder Care, The Free Clinic of the Twin Counties, and Carilion Clinic of Galax and Hillsville, at overlapping periods of time between July 2004

and November 2011, when these employments were terminated following the DUI incident. There were no issues related to Ms. Leftwich's practice as a nurse or as a nurse practitioner at any place of employment. None of her employers had any suspicion that she was impaired while on duty. There was no patient involvement or injury related to her abuse of alcohol. She is not currently employed in a nursing position.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.
2. Findings of Fact #s 4 and 5 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 contingent on Ms. Leftwich's re-entry into the Health Practitioners' Monitoring Program within 45 days of the entry of this Order. Thereafter, Ms. Leftwich shall comply with the terms and conditions of the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Leftwich, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Leftwich shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. She has failed to make application to the HPMP;
 - b. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - c. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

d. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Leftwich's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Leftwich's appearance before the Board and conduct an administrative review of this matter.

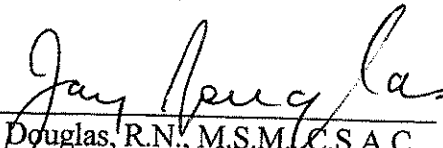
3. This Order is applicable to Ms. Leftwich's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Leftwich shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Leftwich 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. Leftwich 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:

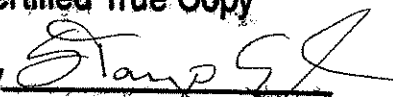


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

ENTERED: August 5th, 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