

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KENNETH W. ZUFALL, R.N.
 License No.: 0001-240691**

CONSENT ORDER

By letter dated May 24, 2013, the Board noticed Kenneth W. Zufall, R.N., for an informal conference. In lieu of proceeding to an informal conference, the Board and Mr. Zufall, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Mr. Zufall to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kenneth W. Zufall, R.N., was issued License No. 0001-240691 to practice professional nursing by the Virginia Board of Nursing on September 14, 2012. Said license is set to expire on November 30, 2013. Mr. Zufall also holds License No. 362166 to practice professional nursing issued by the Ohio Board of Nursing on July 16, 2010. Said license is set to expire on August 31, 2013. Mr. Zufall's primary state of residence is Ohio.

2. On November 29, 2012, during the course of his employment as a travel nurse with Core Medical Group, Salem, New Hampshire, while assigned to St. Francis Medical Center ("St. Francis"), Midlothian, Virginia, Mr. Zufall was observed with an altered mental status and impaired alertness during his shift. Further, he was observed removing medication from the Pyxis machine and then entering into the restroom. Upon inspection of the restroom, three empty tubex of morphine 4 mg (C-II) and three vials of Benadryl (C-VI) were found in the trash can. A drug screen performed in the Emergency Department was positive for opioids. Emergency Department staff found vials of Benadryl in Mr. Zufall's shoes.

3. Mr. Zufall stated to the investigator for the Department of Health Professions that he became addicted to opiates in March 2012. Mr. Zufall stated that he diverted morphine and Benadryl several times while employed with St. Francis.

4. On November 30, 2012, Mr. Zufall's employment with Core Medical Group was terminated.

5. On December 18, 2012, Mr. Zufall entered into a Participation Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP"). He was dismissed from the HPMP on May 20, 2013, for failing to complete HPMP orientation and failing to sign a Recovery Monitoring Contract.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

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

CONSENT

Kenneth W. Zufall, R.N., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;

2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. He acknowledges that he has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against him;

4. He waives all such right to an informal conference;

5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. He consents to the entry of the following Order affecting his right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Kenneth W. Zufall's license to practice professional nursing in the Commonwealth of Virginia.

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

3. At such time as Mr. Zufall shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of professional nursing. Mr. Zufall 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.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD:

Jane Ingalls
Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: July 17, 2013

SEEN AND AGREED TO:

[Signature]
Kenneth W. Zufall, R.N.

COMMONWEALTH OF OHIO,
COUNTY/CITY OF Summit/Cuyahoga Falls TO WIT:

Subscribed and sworn to before me, RICHARD J. STAMMITT, a Notary Public, this 10 day of JUNE, 2013.

My commission expires 02-10-2017

Registration Number N/A

[Signature]
NOTARY PUBLIC

Certified True Copy

By [Signature]
Virginia Board of Nursing