

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: CATHY CULBERTSON, R.N.
License No.: 0001-090199**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 28, 2015, in Henrico County, Virginia, to receive and act upon Cathy Culbertson's application for reinstatement of her license to practice professional nursing in Virginia, which was suspended by an Order of the Board entered on September 4, 2014, and to inquire into evidence that grounds may exist to deny her application. The case was presented by Wendy Deaner, Adjudication Specialist, Administrative Proceedings Division. James Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Culbertson was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Cathy Culbertson, was issued License No. 0001-090199 to practice professional nursing in the Commonwealth of Virginia on August 26, 1983. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on September 4, 2014. Ms. Culbertson's primary state of residence is Virginia.
2. Ms. Culbertson submitted an application for reinstatement of her license to practice professional nursing to the Board on October 6, 2014.
3. On August 21, 2014 Ms. Culbertson was found guilty on five counts of felony prescription

fraud. She was sentenced to two years in the Virginia State Penitentiary for each count with two years suspended on each count. Ms. Culbertson was placed on supervised probation for a period of five years and her driver's license was suspended for six months for each offense. This conviction formed the basis of the mandatory suspension of Ms. Culbertson's license by the Virginia Department of Health Professions.

4. At the time of her suspension Ms. Culbertson's employer, the Western Tidewater Free Clinic, allowed Ms. Culbertson to transition to a receptionist position in the office. Her employer supports reinstatement of her license and will immediately move her back into her previous position as the clinic charge nurse if her license is reinstated.

5. Ms. Culbertson has received treatment for opioid dependency since 2004.

6. Ms. Culbertson is currently enrolled the Health Practitioners' Monitoring Program ("HPMP"). On a recent Recovery Monitoring Contract, Ms. Culbertson indicated that she has a substance use disorder which may impair her ability to safely practice nursing. Ms. Culbertson reports that her date of sobriety is October 3, 2012.

7. On January 20, 2014, a HPMP Compliance Report indicated that Ms. Culbertson was in full compliance with all terms and conditions of her Recovery Monitoring Contract. Additionally, the report indicated that should the Board decide to reinstate her license she will be permitted to return to work contingent upon her continued compliance with the HPMP.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(4) of the Code.
2. Findings of Fact Nos. 5 and 6 constitute a violation of §54.1-3007(6) of the Code.
3. Cathy Culbertson, has demonstrated satisfactory evidence that she is prepared to resume the practice of nursing in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the


members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0001-090199, issued to Cathy Culbertson to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED, contingent upon the following terms and conditions:

1. Ms. Culbertson shall continue to comply with all terms and conditions of the Recovery Monitoring Contract ("Contract") with the HPMP for the period specified in the Contract.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Culbertson, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Culbertson shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Culbertson is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against Ms. Culbertson involving a violation of law or regulation or any term or condition of this Order; or
 - c. Ms. Culbertson has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Culbertson's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Culbertson's appearance before the Board and conduct an administrative review of this matter.
3. Ms. Culbertson 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.
4. This Order shall be applicable to Ms. Culbertson's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Culbertson may 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

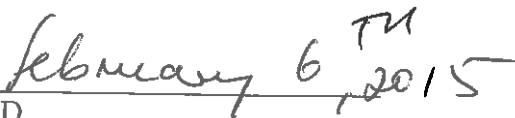
wishes to work.

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 on request.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing



ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 

Virginia Board Of Nursing