

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**CATHY CULBERTSON, R.N.**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on August 25, 2008, in Henrico County, Virginia, to inquire into evidence that Cathy Culbertson, R.N. may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Culbertson was present and was not represented by counsel. Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Cathy Culbertson, R.N. was issued License No. 0001-090199 to practice professional nursing in the Commonwealth of Virginia on August 26, 1983. Said license is set to expire on July 31, 2010.
2. Ms. Culbertson told an investigator from the Department of Health Professions on August 24, 2004, that she has an addiction to Vicodin (hydrocodone, schedule III) and entered treatment for her addiction in February, 2004, but relapsed after 102 days.
3. Ms. Culbertson told an investigator from the Department of Health Professions on April 9, 2008, that she has an addiction to Dilaudid (hydromorphone, schedule II), for which she received treatment in 2004, and for which she continues to receive medication.
4. A licensed professional counselor evaluated Ms. Culbertson on March 11, 2008, and stated that she was not safe to work as a professional nurse at that time due to unresolved psychological issues.

5. Ms. Culbertson diverted Dilaudid in 2004, from Southampton Memorial Hospital, Franklin, Virginia, for her own personal and unauthorized use.
6. During the course of her employment with Maryview Medical Center, Portsmouth, Virginia (“Maryview”), between January 21, 2008, and February 16, 2008, Ms. Culbertson performed overrides of the Pyxis system and removed Vicodin tablets for Patients A, B, C, and D, who did not have orders for Vicodin. She claimed to have wasted the medication in sharps containers. However, hospital staff searched the sharps containers, and found Vicodin wrappers containing Tylenol (acetaminophen, schedule VI) tablets as well as loose Tylenol tablets. No Vicodin tablets were located.
7. On January 22, 2008, Ms. Culbertson withdrew nine tablets of Percocet (oxycodone/acetaminophen, schedule II) for Patient E, who only required three tablets.
8. During her informal conference, Ms. Culbertson submitted positive letters of reference from her employer, sponsor, and counselor. She reported that she recently celebrated four years of recovery. Ms. Culbertson’s HPIP case manager spoke on her behalf and provided copies of her Recovery Monitoring Contract with HPIP, signed on July 15, 2008.

### **CONCLUSIONS OF LAW**

1. Findings of Fact Nos. 2, 3, and 4 constitute violations of § 54.1-3007(6) of the Code.
2. Findings of Fact Nos. 5, 6, and 7 constitute violations 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 Board of Nursing.

### **ORDER**

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The Committee shall TAKE NO ACTION at this time, contingent upon Ms. Culbertson’s continued compliance with all terms and conditions of her Recovery Monitoring Contract (“Contract”) with the HPIP 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:

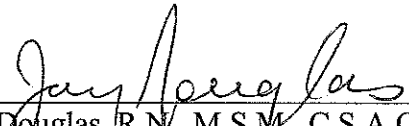
- a. Ms. Culbertson is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;
- b. There is a pending investigation or unresolved allegation against Ms. Culbertson involving a violation of law or regulation or any term or condition of this Order; or
- c. Ms. Culbertson has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Culbertson's participation in and compliance with the HPIP, the Board, at its discretion, may waive Ms. Culbertson's appearance before the Board and conduct an administrative review of this matter.

3. This order shall be applicable to Ms. Culbertson's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Culbertson shall not work outside 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 Ms. Culbertson wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

4. 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.

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 COMMITTEE

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

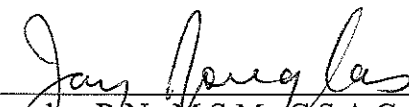
ENTERED: September 10<sup>th</sup>, 2008

**NOTICE OF RIGHT TO FORMAL HEARING**

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Cathy Culbertson at 1544 Holland Road, Suffolk, Virginia 23434.

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

September 10<sup>th</sup>, 2008  
Date