



COMMONWEALTH of VIRGINIA

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Director

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Virginia Board of Nursing
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Executive Director

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June 26, 2008

Cathy Culbertson, R.N.
2510 Manning Road
Suffolk, Virginia 23434

CERTIFIED MAIL
71603901984518404493

Re: License No.: 0001-090199
Expiration Date: July 31, 2010

Dear Ms. Culbertson:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on August 25, 2008, at 1:00 p.m.** at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(6) of the Code in that:
 - a. By your own admission to an investigator from the Department of Health Professions on August 24, 2004, you have an addiction to Vicodin (hydrocodone, schedule III) and entered treatment for your addiction in February, 2004, but relapsed after 102 days.
 - b. By your own admission to an investigator from the Department of Health Professions on April 9, 2008, you have an addiction to Dilaudid (hydromorphone, schedule II), for which you received treatment in 2004, and for which you continue to receive medication.

c. A licensed professional counselor evaluated you on March 11, 2008, and stated that you were not safe to work as a professional nurse at that time due to unresolved psychological issues.

2. You may have violated § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations in that:

a. By your own admission, you diverted Dilaudid in 2004, from Southampton Memorial Hospital, Franklin, Virginia, for your own personal and unauthorized use.

b. During the course of your employment with Maryview Medical Center, Portsmouth, Virginia ("Maryview"), between January 21, 2008, and February 16, 2008, you performed overrides of the Pyxis system and removed Vicodin tablets for Patients A, B, C, and D, who did not have orders for Vicodin. You 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.

c. On or about January 22, 2008, you withdrew nine tablets of Percocet (oxycodone/acetaminophen, schedule II) for Patient E, who only required three tablets.

Please see Attachment B for the name of the patients referenced above.

In its deliberations, the Committee may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you; or
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the

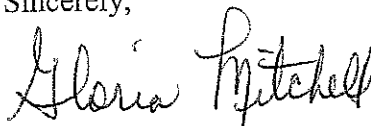
conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, by August 18, 2008. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

Also enclosed are copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as the relevant laws and regulations governing the practice of nursing in Virginia.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

GDM/bl

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions
Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Emily Field, Adjudication Specialist
Kim Martin, R.N., Senior Investigator (Case no. 119064)
Peggy Wood, Intervention Program Manager