

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DEBORAH BARRACK, R.N.
License No.: 0001-172807

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 April 11, 2013, in Henrico County, Virginia. Deborah Barrack, 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 May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Barrack 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. Deborah Barrack, R.N., was issued License No. 0001-172807 to practice professional nursing in Virginia on March 22, 2001. The license expired on February 28, 2013. Her primary state of residence is Virginia.
2. By letter dated March 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Barrack notifying her that an informal conference would be held on April 11, 2013. The Notice was sent by certified and first class mail to 4223 Round Hill Road, Chesterfield, Virginia 23832, the address of record on file with the Board of Nursing.
3. By Order entered July 30, 2009, the Board suspended Ms. Barrack's license to practice professional nursing due to her failure to comply with a previous Order of the Board entered January 30,

2001, requiring her to enter into and remain compliant with the Health Practitioners' Monitoring Program ("HPMP"). Ms. Barrack entered into a subsequent Recovery Monitoring Contract with the HPMP on March 22, 2010. By Order dated June 25, 2010, the Board reinstated Ms. Barrack's license contingent upon her continued compliance with the terms and conditions of the HPMP for the period specified by the HPMP.

4. Ms. Barrack was dismissed from the HPMP on July 20, 2012, for noncompliance with her program contract, including failure to comply with the urine toxicology screening program.

5. At the time of her dismissal, Ms. Barrack's diagnosis included alcohol and opioid dependence. At the informal conference, she reported she was dealing with many issues at that time and forgot to call the testing line. She had not re-contacted HPMP as of the date of the IFC.

6. Ms. Barrack stated at the informal conference that she was currently employed in a non-nursing field. She last practiced nursing in March 2012.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of Term No. 1 of the Board's Order entered June 25, 2010.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Deborah Barrack, R.N., is hereby REPRIMANDED.
2. The right of Ms. Barrack to renew License No. 0001-172807 is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended.
4. At such time as Ms. Barrack shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe

and competent practice of nursing. Ms. Barrack 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.

5. This suspension applies to any multistate privilege to practice professional nursing.

6. This suspension shall be STAYED upon proof of Ms. Barrack's re-entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Barrack shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Barrack, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Barrack is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Barrack's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Barrack involving a violation of law, regulation, or any term or condition of this order.

7. This Order is applicable to Ms. Barrack's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Barrack 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.

8. Ms. Barrack 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. Barrack may, not later than 5:00 p.m., on July 16, 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:

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

ENTERED. *June 13, 2013*

This Order shall become final on July 16, 2013, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *Stan [Signature]*
Virginia Board of Nursing