

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**DEBORAH BARRACK, R.N.**

**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 22, 2009, in Henrico County, Virginia. Deborah Barrack, R.N., was present and was not represented by legal counsel. Jane Elliott, R.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 22, 2009, 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 is set to expire February 28, 2011.
2. By letter dated March 27, 2009, 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 22, 2009. 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 term No. 1 of an Order entered January 30, 2001, the Board required Ms. Barrack to comply with all terms and conditions of the Health Practitioners' Monitoring Program ("HPMP") contract for the period specified. This Order was based on findings that Ms. Barrack had several drug

and alcohol related convictions prior to being granted a license to practice as a professional nurse in Virginia. As noted below, Ms. Barrack failed to comply with said terms and was dismissed by the HPMP.

4. Ms. Barrack was dismissed from the HPMP on August 3, 2007 due to the following:

a. In May 2007, Ms. Barrack relapsed, testing positive for morphine. By her own admission, a family member gave Ms. Barrack two Percocet (oxycodone, Schedule II) and an entire bottle of MS Contin (morphine sulphate, Schedule II) from which she took seven or eight pills. This was her third relapse while in HPMP. Ms. Barrack had relapsed previously in 2004, and in March 2006. On each of the previous occasions, HPMP extended the term of Ms. Barrack's contract.

b. On August 3, 2007, Ms. Barrack was dismissed from the HPMP for continued use of alcohol and controlled substances, noncompliance with recommended treatment, and subversion of the monitoring process by adulterating urine toxicology screens and substituting tylenol for her witnessed Naltrexone. It had been recommended by Ms. Barrack's HPMP Case Manager and the short-term residential rehabilitation facility attended by Ms. Barrack (Marworth Treatment Center, Pennsylvania) that Ms. Barrack attend a long-term, residential, substance abuse treatment program. Both Marworth and HPMP agreed that Ms. Barrack had not made adequate progress in the 30 day program at Marworth. Ms. Barrack refused to follow that recommendation because she was afraid of "financial ruin".

5. At the informal conference, Ms. Barrack stated that she drank to relieve stress. Ms. Barrack stated that her last drink prior to this proceeding was April 19, 2009, when she drank wine with dinner. Ms. Barrack acknowledged that she is an addict.

6. At the informal conference, Ms. Barrack stated that she was incarcerated for 22 months in 1978, for felony drug charges, and has had several driving under the influence convictions in 1992,

1995, 1996, since her release from prison.

7. At the informal conference, Ms. Barrack stated that she understands the need for the long-term residential treatment and has made arrangements to attend Treatment Alternatives, LLC, in Boca Raton, Florida. She presented evidence of her commitment to attend this program by providing a receipt of payment to Treatment Alternatives. Ms. Barrack stated that she was to report to the facility on May 1, 2009, and will remain there between 3-6 months.

### CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of Term No. 1 of the Board's Order entered January 30, 2001.
2. Findings of Fact #4a and 4b constitutes a violation of § 54.1-3007(6) of the Code.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-172807 of Deborah Barrack, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. This suspension applies to any multistate privilege to practice professional nursing.
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 professional 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.

This Order is subject to appeal to the Board. If Ms. Barrack desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N.,

M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD

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

Entered: July 30, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Deborah Barrack, R.N., at 4223 Round Hill Road, Chesterfield, Virginia 23832.

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

July 30, 2009  
DATE

**Certified True Copy**

By *dgraham*  
Virginia Board of Nursing