

VIRGINIA

BEFORE THE BOARD OF NURSING

IN RE: DEBORAH F. BARRACK, R.N. APPLICANT

ORDER

Pursuant to § 9-6.14:12 and § 54.1-110 of the Code of Virginia (1950), as amended, (the "Code"), an informal conference was held before a Special Conference Committee of the Board of Nursing (the "Committee") on January 22, 2001, in Henrico County, Virginia, to receive and act upon the application of Deborah F. Barrack to take the examination for licensure as a professional nurse in the Commonwealth of Virginia. Ms. Barrack was present and was not represented by counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Facts and Conclusions of Law.

FINDINGS OF FACT

1. By application received October 30, 2000, Deborah F. Barrack applied for licensure by examination as a professional nurse in the Commonwealth of Virginia.
2. On or about May 27, 1977, in the Circuit Court of the City of Richmond, Virginia, Ms. Barrack was convicted of grand larceny, a felony. Ms. Barrack stated to members of the Committee that she was released from supervised probation in 1982.
3. On or about February 6, 1979, in the Circuit Court of the City of Richmond, Virginia, Ms. Barrack was convicted of feloniously and unlawfully distributing Cocaine, a Schedule II controlled substance and Marijuana, a Schedule I controlled substance, felonies. On March 15, 1979, she was sentenced as follows: 1) Ms. Barrack was sentenced to eight (8) years

confinement in the penitentiary for the cocaine conviction. Further, it was ordered that during her incarceration, she was to receive drug therapy and psychological counseling. 2) Ms. Barrack received a suspended sentence based upon good behavior for the marijuana conviction.

4. On or about November 30, 1992, in the Circuit Court of the City of Richmond, Virginia, Ms. Barrack appeared based on her appeal of an earlier conviction of Driving Under the Influence, a misdemeanor. She requested the motion be dismissed, and she was sentenced to confinement in jail for 180 days with 175 days suspended based upon her being of good behavior. Ms. Barrack was further ordered to enter and complete the Alcohol Safety Awareness Program (ASAP) and inpatient treatment for alcoholism. The case was continued until December 23, 1992, to allow her time to enter and complete the ASAP program.
5. On or about April 11, 1996, in the General District Court of Chesterfield County, Virginia, Ms. Barrack was convicted of Driving or operating a motor vehicle Under the Influence of Alcoholic Beverages, second offence. She was sentenced to eleven (11) months in jail, with all but four (4) days suspended, and her driver's license was suspended for a period of three (3) years.
6. On or about October 30, 2000, Ms. Barrack filed an application to take the examination for licensure as a professional nurse. She responded yes to the question regarding criminal convictions and stated that she was convicted of a felony, and several misdemeanor charges between the years of 1977 and 1979. Ms. Barrack further stated that she has two (2) driving under the influence convictions in the last ten years.

7. On or about November 20, 2000, in a letter to the Board of Nursing, Ms. Barrack made the following statements:
- a. She had drug charges in 1978 resulting from a delivery of drugs for a friend and received an eight (8) year sentence. Further, she was incarcerated for 22 months, and she sought counseling services once a month prior to being paroled in 1981. Additionally, she was on supervised probation for two (2) years and released in 1987. She stated that the above related to her 1979 conviction.
 - b. In 1986, she was convicted of Driving Under the Influence of Alcohol and she attended an ASAP program. Ms. Barrack stated to members of the Committee that she was convicted of Driving Under the Influence of Alcohol in 1984, 1986, 1992 and 1995.
 - c. After her conviction in 1986, she continued to drink on a regular basis even after completing the ASAP program, and she was in denial that she had a problem with alcohol.
 - d. After being convicted in 1992 of Driving Under the Influence of Alcohol, she realized that she had a serious problem and contacted Drug Addition Services (DAS), Richmond, Virginia. Further, in February 1993, she was admitted to Willow Oaks Inpatient Treatment Center, Cartersville, Virginia, for treatment and admitted that she was an alcoholic. Ms. Barrack stated that she completed a thirty (30) day inpatient program, attended outpatient treatment groups and participated in an aftercare program.
 - e. In late 1995 she relapsed, and received another Driving Under the Influence of

Alcohol conviction in 1996. She re-entered treatment with DAS as an outpatient and completed the program but did not follow up with the aftercare program.

8. Ms. Barrack signed a Participation Contract with the Health Practitioners' Intervention Program on December 8, 2000, and provided a copy of the contract prior to the informal conference.
9. Ms. Barrack provided to the Committee a copy of her evaluation from Williamsburg Place, Richmond, Virginia.
10. Ms. Barrack reported May 18, 1998 as her date of sobriety.

CONCLUSIONS OF LAW

The Committee concludes that Finding of Fact Nos. 2 through 7 constitute a violation of § 54.1-3007(2), (4), (5) and (6) of the Code. Further, the Committee concludes that Deborah F. Barrack, R.N., Applicant, meets the requirements of § 54.1-3017 and § 54.1-3018 of the Code.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application of Deborah F. Barrack, for licensure by examination, be and here is, APPROVED. Upon successful completion of the examination, Ms. Barrack shall be issued an unrestricted license to practice as a professional nurse in the Commonwealth, contingent upon the following terms and conditions:

1. Ms. Barrack shall comply with all terms and conditions for the period specified by the HPIP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Deborah F. Barrack, and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Barrack shall be noticed to appear before a

Committee at such time as the Board is notified that:

- a) Ms. Barrack has failed to enter into a Monitoring Contract with the HPIP, or
- b) Ms. Barrack is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or
- c) There is a pending investigation or unresolved allegations against Ms. Barrack involving a violation of law, regulation or any term or condition specified by the HPIP or this Order, or,
- d) Ms. Barrack has successfully completed the specified period of participation in the HPIP. However, upon receipt of evidence of Ms. Barrack's participation in and compliance with the HPIP, the Committee, at its discretion, may waive Ms. Barrack's appearance before the Committee, and conduct an administrative review of this matter.

Pursuant to § 9-6.14:14 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.

If Ms. Barrack does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Nancy K. Durrett, R.N., M.S.N., Executive Director, Board of Nursing, in writing at 6606 West Broad Street, Fourth Floor, Richmond, Virginia 23230-1717 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or a panel thereof

shall then proceed with a hearing as provided in § 9-6.14:12 of the Code.

FOR THE BOARD

Nancy K. Duffett
Nancy K. Duffett, R.N., M.S.N.
Executive Director for the
Board of Nursing

Entered: *January 30, 2001*

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this date to Deborah F. Barrack, R.N. Applicant, at 3136 Walmsley Boulevard, Richmond, Virginia 23234.

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

January 30, 2001
DATE