

Certified True Copy

By [Signature]
Virginia Board of Nursing



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VA BD OF NURSING

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

May 1, 2014

Mary Kathleen Helgemo
201 Heathrow Drive, Apt. H
Florence, AL 35633

RE: License No.: 0001-219373

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 5/1/14

Dear Ms. Helgemo:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered May 1, 2014. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

[Signature]

David E. Brown, D.C., Director
Department of Health Professions

Enclosures
Case # 156578

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: MARY KATHLEEN HELGEMO, R.N.
License No.: 0001-219373

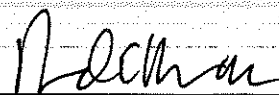
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Mary Kathleen Helgemo, R.N., to practice nursing in the State of Alabama was suspended by a Consent Order dated March 21, 2014. A certified copy of the Consent Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the privilege of Mary Kathleen Helgemo, R.N., to renew her license to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Mary Kathleen Helgemo, R.N., will be recorded as suspended and no longer current. Should Ms. Helgemo seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



David E. Brown, D.C., Director
Department of Health Professions

ENTERED: 5/1/14



COMMONWEALTH of VIRGINIA


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Director

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CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Consent Order dated March 21, 2014, regarding Mary Kathleen Helgemo, R.N., is a true copy of the records received from the State of Alabama Board of Nursing.



David E. Brown, D.C.

Date: 5/1/14

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:

MARY KATHLEEN HELGEMO

LICENSE NO: 1-108162 (LAPSED)

Respondent.

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ABN CASE NO. 2013-0181

CONSENT ORDER

The Alabama Board of Nursing, hereinafter referred to as Board, having evidence that **MARY KATHLEEN HELGEMO**, hereinafter referred to as Respondent, is in violation of the Code of Alabama 1975, § 34-21-25, and of the Alabama Board of Nursing Administrative Code, § 610-X-8; and Respondent, desiring to avoid the necessity of a formal hearing, do hereby enter into this Consent Order in lieu of proceeding with further disciplinary action. Respondent understands the right to a formal hearing in this matter and hereby knowingly waives such right. Respondent further understands and agrees that this is a non-appealable Order.

FINDINGS OF FACT

I.

On January 3, 2006, the Board issued Respondent a permit as a Nursing Graduate – RN Program (NGRNP). On March 23, 2006, the permit was superseded upon Respondent's licensure by the Board as a Registered Nurse (RN) by examination, and Respondent was so licensed at all times relevant to the matters stated herein. Said license lapsed January 1, 2013.

II.

Respondent has also been licensed as an RN by endorsement as follows:

- Louisiana (RN127937) expired, no history of disciplinary action;
- Tennessee (192045) active, issued January 25, 2013, no history of disciplinary action;
- Virginia (0001219373) expired, no history of disciplinary action.



III.

Respondent was employed as an RN by Eliza Coffee Memorial Hospital (ECM), Florence, Alabama, from November 14, 2011, until November 6, 2012. Respondent's employment terminated following a positive drug screen.

On November 6, 2012, Respondent submitted to a reasonable suspicion drug screen requested by her employer. The results of the drug screen were GC/MS confirmed positive for Hydromorphone and Norhydrocodone. Respondent has admitted to the ingestion of a friend's Lortab for hip pain the night before the drug screen was conducted.

IV.

Respondent was requested to drug screen following an observation by another nurse, SM, RN, who was temporarily covering Respondent's patients, that (2) Norco 7.5mg had been removed and documented as administered two hours prior to the patient's current complaints of pain. The patient and family member at the bedside denied that any pain medication had been administered.

Upon Respondent's return to the unit, she admitted that she had not administered the medication to the patient and had forgotten to return it. Respondent and SM returned the medication to the automated dispensing cabinet (ADC).

V.

Following the incident detailed in Paragraph IV above, Respondent's controlled substance access and accounting was audited by the facility. The following was noted during that audit:

- Respondent was three standard deviations above the mean when compared to her peers on her unit.
- Patient LB: very sleepy & difficult to arouse. Of the 9 doses of pain meds given, 7 were given by Respondent, and 6 of the 7 were Norco.
- Patient CM: Respondent was the only nurse to administer Norco to this patient.

VI.

On December 31, 2005, Respondent submitted an Application for RN Licensure by Examination to the Board. On the application, Respondent answered "No" to the regulatory

question "Have you ever been arrested or convicted of a criminal offense other than a minor moving traffic violation?"

On May 17, 1993, Respondent was arrested for Theft of Property 3rd Degree, a misdemeanor. On or about June 25, 1993, the case was dismissed upon Respondent's payment of costs. Respondent failed to disclose this arrest on her initial application for licensure.

CONCLUSIONS OF LAW

1. Respondent's conduct as described in Paragraph VI of the Findings of Fact demonstrates that Respondent is guilty of fraud or deceit in procuring or attempting to procure a license by misrepresenting or falsifying facts in applying for original licensure, renewal, reactivation, or reinstatement of a license, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(a) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(1)(b).
2. Standards of practice require nurses to be responsible and accountable for the quality of nursing care delivered to patients based on and limited to scope of education, demonstrated competence, and nursing experience; to accept individual responsibility and accountability for judgments, actions and nursing competency, remaining current with technology and practicing consistent with facility policies and procedures; and accept individual responsibility and accountability for accurate, complete, and legible documentation related to patient care records. Documentation of nursing care shall be complete and timely, charted at the time or after the care, including medications, is provided. Charting prior to care being provided, including medications, violates principles of documentation. Code of Alabama 1975, § 34-21-2(j)(21) and Alabama Board of Nursing Administrative Code §§ 610-X-6-.03(4), (7), and (15)(a); and 610-X-6-.06(2)(c) and (d)(i). Respondent's conduct as described in Paragraphs IV and V of the Findings of Fact demonstrates that Respondent failed to practice nursing in accordance with the standards adopted by the Board, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(7)(a). Said conduct is unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health.

3. Respondent's conduct as described in Paragraphs IV and V of the Findings of Fact demonstrates that Respondent failed to use appropriate nursing judgment, administer medications and treatments in a responsible manner, and demonstrate competence in administering or carrying out patient care, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(7)(e)(i), (ii), and (iii). Said conduct is unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health.
4. Respondent's conduct as described in Paragraphs IV and V of the Findings of Fact demonstrates that Respondent falsified, altered, destroyed, or attempted to destroy patient, employer, or employee records, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(7)(f). Said conduct is unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health.
5. Respondent's conduct as described in Paragraph III of the Findings of Fact demonstrates that Respondent engaged in personal use of unauthorized or illegal drugs or substances, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(7)(q). Said conduct is unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health.
6. Respondent's conduct as described in Paragraph III of the Findings of Fact demonstrates that Respondent tested positive for unauthorized or illegal mood-altering drugs or substances, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(7)(r). Said conduct is unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health.

ORDER

Respondent's Alabama Registered Nurse License, No. **1-108162**, is hereby **SUSPENDED** pursuant to the terms and conditions in this Order until such time as payment of the fine in accordance with Stipulation Number 2 below, successful completion of the educational programs in accordance with Stipulation Number 3 below, and submission of a completed

reinstatement of lapsed license application. In no event will this period of suspension extend beyond twelve (12) months of the effective date of this Order. Should such occur, Respondent's licensure status will be considered as and listed as revoked. Upon reinstatement, Respondent's license will be issued on a **PROBATIONARY** status for a period of TWENTY-FOUR (24) MONTHS pursuant to the following terms and conditions.

1. **Return of Wallet ID Card**

Respondent's wallet ID card shall be **immediately** returned to the Alabama Board of Nursing office. Upon reinstatement, Respondent will be issued a license which indicates probationary status.

2. **Fine**

Respondent shall pay a fine in the amount of **\$600**. This fine must be paid prior to reinstatement.

3. **Education – Completion of Courses**

Respondent shall satisfactorily complete a Board-approved course/s/program/s on documentation and substance use disorders and provide documentation of completion to the Board. Said course/s must be satisfactorily completed prior to reinstatement.

4. **Primary Physician – Drug Use Exception**

Respondent will have only one primary physician/group during the period of this Order. The primary physician must refer to any other physician, except in a documented emergency. All mood-altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary physician for a bona fide medical condition, or if prescribed by the referred physician, must be immediately reported in writing by Respondent to the primary physician with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary physician within ten (10) days of the effective date of this Order and within ten (10) days in the case of a new physician. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing practitioner on a Board-provided

form at the time of the issuance of a prescription and must also provide verification of all medications prescribed prior to the Respondent's Board Order. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

5. **Dentist – Drug Use Exception**

Respondent will have only one dentist during the period of this Order. The primary dentist must refer to any other dentist or dental specialist, except in a documented emergency. All mood-altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary dentist for a bona fide dental condition, or if prescribed by a referred dentist, must be immediately reported in writing by Respondent to the primary dentist with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary dentist within ten (10) days of the effective date of this Order. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing dentist on a Board-provided form at the time of the issuance of a prescription and must also provide verification of all medications prescribed prior to the Respondent's Board Order. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

6. **Abstain from Alcohol Use**

Respondent shall abstain completely from the use of any substance containing alcohol.

7. **Abstain from Drug Use**

Respondent shall abstain completely from the non-prescribed use or possession of controlled substances as defined in the Alabama Uniform Controlled Substances Act, illegal drugs as defined by law, mood-altering substances, or any drugs requiring a prescription (legend) except as provided for in this Order.

8. **Drug Screening**

Respondent shall participate as directed in a Board-acceptable program for random drug testing. The drug screen will be a Board-approved drug screen and may include additional chemicals as designated by the Board or its designee. A minimum of one (1) random testing per month shall be done and may be required more frequently as requested by the Board or its designee. Further, the Board or its designee may at any time require Respondent to undergo additional drug screening of a type specified by the Board, including hair testing, to ensure that Respondent is free of chemical substances. Refusal to provide a specimen suitable for testing within the requested time frame constitutes a violation of this Order and such will be cause for dismissal from this program and grounds for disciplinary action. Respondent waives any argument as to chain-of-custody of the sample or validity/accuracy of its testing regarding any positive screen received by the Board from an approved testing facility. The report of a positive drug screen which is not a result of documented, prescribed medications as provided for herein shall be considered a violation of this Order. This is required regardless of whether Respondent is employed in nursing.

9. **Employment - Monitoring**

Respondent shall practice only under the on-site monitoring of a Board-approved licensed health professional in good standing with their professional regulatory body. The employment monitor is not required to be on the same unit or ward as Respondent, but should be on site and readily available to provide assistance and intervention in the event Respondent appears impaired or otherwise unable to safely practice. Respondent shall work only regularly

assigned, identified, and predetermined units. The on-site monitor shall be primarily one (1) person. Respondent shall not be self-employed or contract for services.

10. **Restricted Employment**

Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, hospice, home health agency, or temporary employment agency.

11. **Employment-Supervision Restriction**

Respondent shall not be employed as a supervising nurse.

12. **Employment - Notification**

Respondent shall provide all health care employers, collaborative and covering physicians (if CRNP/CNM) and schools of nursing with a copy of this Order and cause each to acknowledge to the Board that a copy of this Order has been provided to them. Said notification shall be received by the Board no later than ten (10) days after the effective date of this Order or within ten (10) days of Respondent's employment or advanced practice approval or entry into school and must be on the Board-provided form.

13. **Employment - Change in Status**

Respondent shall not accept or change employment without prior written notification to the Board. Said notification must include the name and number of the person who will be Respondent's supervisor for the period of this Order.

14. **Employment - Evaluation of Performance**

Respondent shall cause the employer to provide to the Board, on a Board-approved form, a written evaluation of Respondent's nursing performance. Such reports are due quarterly, according to schedule. The receipt of an unfavorable report may be considered to be a violation of this Order. If Respondent is not employed as a nurse, Respondent is required to inform the Board of employment status in the monthly self-report.

15. **Self-Report**

Respondent shall submit a written status report to the Board on a Board-approved form. This is to be submitted on a monthly basis, according to schedule, and must contain a self-assessment of current status. This report is required regardless of whether Respondent is employed in nursing.

16. **Not Employed in Nursing**

Periods of time in which Respondent is not employed as a practicing nurse shall be excluded from computation of time to be served on probation, unless determined otherwise by the Board of Nursing or its designee. A minimum of ninety-six (96) hours of nursing employment per month is required to constitute being "employed as a practicing nurse." Employment in fields other than nursing does not relieve Respondent from compliance with all other terms and conditions of this Order.

17. **Alabama Licensure Status**

Respondent must maintain a current license at all times during the period of probation. If for any reason Respondent allows the nursing license to lapse/expire during probation, such would be grounds for disciplinary action. This provision includes obtaining continuing education contact hours as required for licensure.

18. **Notification of Board**

If Respondent is arrested by any law enforcement agency or is admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent shall cause the Board to be notified immediately. Respondent also shall immediately report to the Board any relapse as well as any disciplinary action issued by an employer. Should Respondent test positive on any drug screen conducted by an employer, an employee assistance program, court referral program or other entity, Respondent shall immediately report such to the Board.

19. **Change of Address**

Respondent shall immediately notify the Board in writing of any changes of address.

20. **Relocation**

Respondent must notify the Board of pending relocation outside the State of Alabama. If Respondent plans to relocate to another state, Respondent must inform that state's board of nursing as to licensure status and may request the Alabama Board to transfer monitoring to the other state. If monitored by another state, Respondent must successfully complete all requirements of the Board Order of the other jurisdiction in order to fulfill the terms of this Order. Respondent must submit to the Alabama Board a copy of the Order from the other state and official notification of successful completion or unsuccessful termination thereof. The Board retains the right to withdraw approval for out-of-state monitoring if circumstances indicate that such is appropriate.

21. **Personal Interview**

Respondent shall appear in person for an interview at the request of the Board or Board designee.

22. **Obey the Laws**

Respondent shall refrain from violation of any federal, state or local law or rule or Order of the Board. A conviction on any criminal charge pending at the time of the signing of this Order may result in further disciplinary action. Any arrest subsequent to the signing of this Order may result in further disciplinary action.

23. **Release of Records and Information**

Respondent hereby authorizes the Board of Nursing to submit information and all records necessary to ensure compliance with the stipulations of this Order and public safety. This includes communication with Respondent's employer (existing and prospective) and members of Respondent's treatment team regarding non-compliance and/or possible relapse. Respondent also agrees to execute all appropriate release of information forms so as to allow all treatment

providers, healthcare providers, employers and all other necessary persons to inform the Board, in writing, of Respondent's status and progress.

24. **Violation**

Any deviation from the requirements of this Order without the written consent of the Board shall constitute a violation of this Order and will be cause for disciplinary action.

25. **Subsequent Practice Act Violation**

Should supplemental cause for disciplinary action arise during the period of this Order such is cause for disciplinary action.

26. **Fraudulent Acts During Period of Order**

Submission of fraudulent documents or reports or misrepresentation of facts relating to the terms and conditions stated herein shall constitute a violation of this Order.

27. **Termination of Order**

This Order shall terminate only upon receipt of documents to satisfy all terms and conditions of this Order, including receipt of official court records documenting successful completion of court-ordered probation, pretrial diversionary-type program, drug court, etc., where applicable. This period of probation will not terminate until notification by the Board to Respondent in writing that all terms and conditions have been met and the probation has been completed.

28. **Public Information**

This Order is public information and can be disseminated. All disciplinary actions of the Board will be reported to all required data banks.

29. **Effective Date**

The effective date of this Order shall be the documented date of service or attempted service by certified mail or personal service.


30. Final Order

This Order is subject to full Board consideration and acceptance before it shall be final.

EXECUTED this the 3rd day of February 2014


MARY KATHLEEN HELGEMO

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 21st day of March 2014


N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER
ALABAMA BOARD OF NURSING