

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KARIN BALES, R.M.A.
 Registration No.: 0031-003188**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 23, 2013, in Henrico County, Virginia, to inquire into evidence that Karin Bales, R.M.A., may have violated certain laws and regulations governing medication aide practice in Virginia. The case was presented by James E. Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Bales was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Karin Bales, R.M.A., was issued Registration No. 0031-003188 to practice as a medication aide in Virginia on July 20, 2009. The registration is scheduled to expire on May 31, 2013.
2. Based upon the representations of James E. Rutkowski, Adjudication Specialist, and Commonwealth's Exhibits Nos. 1, 2, 4 and 5, the Notice of Formal Hearing and Statement of Particulars, the Affidavit of Mailing, the signed certified mail receipt for the certified mail sent to Ms. Bales, and a copy of an email sent from Ms. Bales to Board staff on May 22, 2013, the presiding officer ruled that adequate notice was provided to Ms. Bales and the hearing proceeded in her absence.
3. During the course of Ms. Bales' employment with New Life Assisted Living, Fishersville, Virginia, on July 23, 2012, an inspection by an inspector for the Virginia Department of Social Services

revealed the following:

- a. In July, 2012, Ms. Bales documented having administered Ativan (lorazepam, Schedule IV) to Resident A that had expired in June, 2012.
- b. On July 23, 2012, she documented removing hydrocodone (Schedule III) for Resident B at 3:00 p.m. on Resident B's Controlled Substance Record, which is the same time the inspector was in the facility. Ms. Bales did not document administering the medication to Resident B, and she stated to the inspector she administered the medication at 1:00 p.m.
- c. On July 23, 2012, Ms. Bales stated that she administered tramadol (Schedule IV) to Resident C in the morning, but she did not document administering the medication until 3:30 p.m. when she was in front of the inspector and the Department of Health Professions investigator.
4. During the course of her employment with New Life Assisted Living in January, 2012, by her own admission, Ms. Bales diverted liquid Ativan from a resident's supplies for her own personal and unauthorized use.
5. During a staff meeting at New Life Assisted Living in May, 2012, Ms. Bales appeared to be impaired in that she was sleepy, with pinpoint size pupils, and she was holding her eyes open with her hand.
6. On July 23, 2012, Ms. Bales stated to a Department of Health Professions investigator that she has been diagnosed with bipolar disorder and seasonal affective disorder. Moreover, she reported a history of bingeing on alcohol, and using alcohol while taking her prescribed lorazepam (Schedule IV).
7. On April 7, 2011, Ms. Bales reported to her psychiatrist that she used marijuana regularly from approximately 2003 to 2010, and that she had started using marijuana again in January, 2011.

CONCLUSIONS OF LAW

The Board concludes that:


1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-60-110(A)(2) and 18 VAC 90-60-120(2)(c), (d), (f) and (i) of the Regulations Governing the Registration of Medication Aides ("Regulations").
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-60-110(A)(2) and 18 VAC 90-60-120(2)(c) of the Regulations.
3. Findings of Fact Nos. 5, 6, and 7 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Registration No. 0031-003188 issued to Karin Bales, R.M.A., to practice as a medication aide in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.
 2. The registration of Ms. Bales will be recorded as SUSPENDED and no longer current. Should Ms. Bales seek reinstatement of her registration consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her registration prior to issuance of her registration to resume practice.
 3. At such time as Ms. Bales shall petition the Board for reinstatement of her registration, a hearing will be convened to determine whether she is able to return to safe and competent practice as a medication aide.
- Pursuant to §§ 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 public record and shall be made available for public inspection or copying on request.


FOR THE BOARD


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

June 4, 2013
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy
By 
Virginia Board of Nursing