

STATEMENT OF ALLEGATIONS

VALEJA BIRNBACH

Registration number 032024

IT IS ALLEGED THAT:

1. At the material times, Valeja Birnbach (“**Ms. Birnbach**”) was duly registered with NANB as a Graduate Nurse.
2. On or about March 10, 2023, Ms. Birnbach committed acts of professional misconduct as defined in subsection 2(1) of the **Nurses Act** in that, while working as a Graduate Nurse at the [] Hospital (the “**Hospital**”), she digressed from established or recognized professional standards or rules of practice of the profession, including but not limited to the NANB **Standards of Practice for Registered Nurses** and the NANB **Standards for Medication Management**, in one or more of the following ways:
 - a. Ms. Birnbach administered six (6) or more medications to a ninety-six (96) year old male palliative patient (the “**Patient**”) which were not prescribed to him (the “**Medication Error**”).
 - b. The medications administered to the Patient by Ms. Birnbach included 48 milligrams of Hydromorph Contin, via two (2) long-acting capsules administered by mouth, when the Patient had actually been prescribed 1 milligram of Dilaudid to be administered by mouth.
 - c. After realizing the Medication Error, Ms. Birnbach reported the overdose to a physician but failed to effectively communicate the Medication Error, and when the physician did not order any intervention, Ms. Birnbach failed to advocate for appropriate treatment to address the Medication Error and minimize risk of harm to the Patient.
 - d. Because Ms. Birnbach failed to take appropriate action to resolve or minimize the risk of harm to the Patient following the Medication Error, interventions to counteract the Medication Error did not begin until approximately eleven (11) hours later.
 - e. Ms. Birnbach failed to require medication orders from a physician or another authorized prescriber before administering medications to the Patient, as required by section 1.1 of the NANB **Standards for Medication Management**.
 - f. Ms. Birnbach failed to ensure that her medication management was evidence-informed as required by section 2.1 of the NANB **Standards for Medication Management**.
 - g. Ms. Birnbach failed to assess the appropriateness of the medication management for the Patient by failing to verify that the Patient was the correct recipient of the medications and that the correct medications were being administered in the correct dosages, as required by section 2.2 and Appendix D of the NANB **Standards for Medication Management** and by the Hospital’s Patient/Client Identification Policy.

- h. Ms. Birnbach failed to know the limits of her own knowledge, skill and judgment, and to get help as needed, as required by section 2.3 of the NANB ***Standards for Medication Management*** and section 2.4 of the NANB ***Standards of Practice for Registered Nurses***.
 - i. Ms. Birnbach failed to practice medication management according to her employer's Patient/Client Identification Policy, as required by section 2.4 of the NANB ***Standards for Medication Management***.
 - j. Ms. Birnbach failed to exercise reasonable judgment as required by section 2.5 of the NANB ***Standards of Practice for Registered Nurses***.
 - k. Ms. Birnbach failed to promote and implement safety precautions as she prepared and administered medication as required by section 3.5 of the NANB ***Standards for Medication Management***.
 - l. Ms. Birnbach failed to take appropriate action to resolve or minimize the risk of harm to the Patient as a result of the Medication Error and/or failed to recognize and take action in a situation where client safety was potentially or actually at risk, as required by section 3.7 of the NANB ***Standards for Medication Administration*** and section 1.6 of the NANB ***Standards of Practice for Registered Nurses***.
 - m. Ms. Birnbach failed to communicate effectively with other team members to promote continuity and the delivery of safe, competent, compassionate, and ethical care, as required by section 4.3 of the NANB ***Standards of Practice for Registered Nurses***.
3. The Patient died on March 14, 2023 as a result of accidental drug toxicity (morphine).