

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DEBRA ROBINSON SWINGLE, R.N. REINSTATEMENT APPLICANT
a.k.a. Debra Ann Robinson
License Number: 0001-111701
Case Number: 180401

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on November 16, 2017, in Henrico County, Virginia, to receive and act upon Debra Robinson Swingle's application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

Debra Robinson Swingle, R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated August 29, 2017, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Swingle notifying her that a formal administrative hearing would be held on September 18, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. On September 18, 2017, Ms. Swingle appeared and requested a continuance. The continuance request was approved by the Board. On October 20, 2017, an Amended Notice of Formal Hearing and Statement of Allegations were sent by certified and first class mail to Debra Robinson Swingle, R.N., at the address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On August 23, 1988, the Board issued License Number 0001-111701 to Debra Robinson Swingle, R.N. to practice professional nursing in the Commonwealth of Virginia. Her primary state of residence is Virginia.
2. Said license was revoked by Order of the Board entered on February 7, 2011 (“Board’s Order”). The Board’s Order was based upon findings that, between March and May 2009, during the course of her employment with Southside Regional Medical Center, Petersburg, Virginia, on several occasions, Ms. Swingle was emotionally unstable while caring for patients and had to be escorted from their rooms. On one occasion, Ms. Swingle refused to call a code blue on a patient who was clearly in cardiac distress and attempted to interfere with the code team by waving her hands above the patient. Additionally, between September 17 and September 23, 2009, Ms. Swingle was admitted to Bon Secours St. Mary’s Hospital on a temporary detention order, and was discharged with a diagnosis of psychosis. On October 20, 2009, Ms. Swingle’s psychiatrist stated that Ms. Swingle was in denial about her illness and that she was not fit to practice nursing at the time.
3. Ms. Swingle submitted an application for reinstatement of said license on March 17, 2017.
4. Between October 1, 2009 and May 13, 2010, Ms. Swingle was diagnosed several times by her treatment provider at Commonwealth Counseling, Mechanicsville, Virginia, with bipolar disorder not otherwise specified and attention deficit hyperactivity disorder.
5. On August 6, 2012, Ms. Swingle was diagnosed by her treatment provider at VCU Medical Center, Richmond, Virginia, with bipolar disorder most recent episode manic with psychotic features.

6. No evidence was presented that Ms. Swingle is currently receiving treatment for her mental health diagnoses.

7. At the beginning of the formal hearing, Ms. Swingle testified that her physician in 2010 thought she did not have bipolar or ADHD. Later in the hearing, Ms. Swingle recognized the documentation by her physician in 2010 also diagnosing her with bipolar and ADHD. Despite the evidence of multiple physicians diagnosing her with these diseases across a span of several years, she told the Board that she does not believe she has bipolar disorder. She further told the Board that the issues that surrounded her from 2009-2012 were due to a difficult time, starting with the death of her husband in April 2006.

8. Evidence revealed that Ms. Swingle told her therapist in 2009 that she had memory deficits and trouble with short term memory. At the hearing, Ms. Swingle stated that memory is her “strong suit.”

9. At the hearing, Ms. Swingle had difficulty answering questions directly. Her testimony tended to be repetitive, rambling, and tangential. For example, when asked what her stressors were, she told the Board how she deals with stress rather than identifying her stressors.

10. In support of her application, Ms. Swingle presented evidence of 24 hours of continuing education, including a course in Texas Nursing Jurisprudence and Ethics. These courses were all taken on November 15, 2017, the day before the formal administrative hearing. At the hearing, Ms. Swingle testified about multiple instances of volunteering, but she presented no evidence supporting this assertion.

CONCLUSION OF LAW


Findings of Fact Nos. 4 and 5 constitute a violation of Virginia Code § 54.1-3007(6).

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, ORDERS that the application of Debra Robinson Swingle, R.N., for reinstatement of the license to practice professional nursing in the Commonwealth of Virginia is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the proceeding. Should she petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether Ms. Swingle is able to return to the safe and competent practice of professional nursing. Ms. Swingle shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

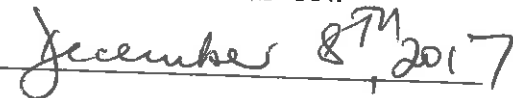
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



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

ENTERED AND MAILED ON:



December 8th, 2017

Certified True Copy

By 

Virginia Board Of Nursing

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 Douglas, MSM, RN, CSAC, FRE, 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.