

BEFORE THE BOARD OF NURSING

IN RE: DEBRA R. SWINGLE, R.N.

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 January 24, 2011, in Henrico County, Virginia, to inquire into evidence that Debra R. Swingle, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by James E. Schliessmann, Assistant Attorney General. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Swingle was 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. Debra R. Swingle, R.N., was issued License No. 0001-111701 to practice professional nursing in the Commonwealth of Virginia on August 23, 1988. Said license expires on March 31, 2012. Her primary state of residence is Virginia.
2. During the course of her employment with Southside Regional Medical Center, Petersburg, Virginia:
 - a. On several occasions between March 9, 2009, and May, 2009, Ms. Swingle became emotionally unstable while caring for patients and had to be escorted from their rooms.
 - b. On May 20, 2009, Ms. Swingle refused to call a code blue on a patient who was clearly in cardiac distress. Technicians were unable to obtain the patient's blood pressure; he had a non-

palpable carotid and femoral pulse, exhibited pale oral mucosa, and had a pale, dusty skin color. Ms. Swingle maintained that the patient was experiencing low blood sugar and attempted to interfere with the code team by waving her hands above the patient.

3. On September 17, 2009, Ms. Swingle was admitted to Bon Secours St. Mary's Hospital on a temporary detention order. Ms. Swingle was discharged on September 23, 2009, with a diagnosis of psychosis. On October 20, 2009, during an interview with an investigator from the Department of Health Professions, Ms. Swingle's psychiatrist stated that Ms. Swingle was in denial about her illness and that she is not fit to practice nursing at this time.

4. During the course of the hearing before the Board on January 24, 2011, Ms. Swingle became agitated during the testimony of one of the Commonwealth's witnesses and thereafter advised the Board that she would not remain for the conclusion of the hearing, due to her belief that the witness was not testifying truthfully. Ms. Swingle was advised that the Board would continue the hearing in her absence in the event she chose not to participate further. Following Ms. Swingle's departure from the hearing, the Board continued the hearing in her absence.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2(a) constitutes a violation of § 54.1-3007(5) and (6) of the Code.
2. Finding of Fact No. 2(b) constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.
3. Finding of Fact No. 3 constitutes 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. License No. 0001-111701, issued to Debra R. Swingle, R.N., to practice professional nursing in

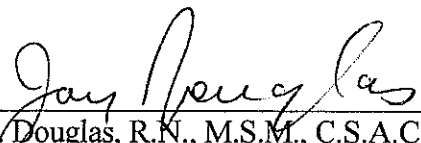
the Commonwealth of Virginia, is hereby REVOKED.

2. The license of Debra R. Swingle, R.N., will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Swingle seek reinstatement of her license after three years, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice. The reinstatement of Ms. Swingle's license shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

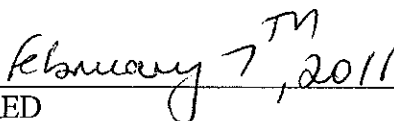
3. This Order shall be applicable to Ms. Swingle's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia.

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



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.