

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **KIM HARDING GARNETT WYNN, R.N.**
License Number: 0001-141448
Case Number: 174988

RATIFICATION AND ORDER


On May 17, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Kim Harding Garnett Wynn, R.N., was not present nor was she represented by legal counsel.

The Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 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.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Wynn may, not later than 5:00 p.m., on July 2, 2017, notify Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD

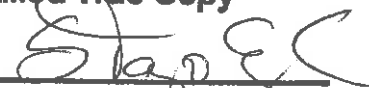

Sr Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

May 30, 2017

This Order shall become final on July 2, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KIM HARDING GARNETT WYNN, R.N.
License Number: 0001-141448
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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith E. Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on March 7, 2017 in Henrico County, Virginia, to inquire into evidence that Kim Harding Garnett Wynn, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Wynn appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated February 8, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Wynn notifying her that an informal conference would be held on March 7, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Recommended Findings of Fact and Conclusions of Law

1. Kim Harding Garnett Wynn, R.N., was issued License Number 0001-141448 to practice professional nursing on December 30, 1994, which is scheduled to expire on July 31, 2017. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. By Order of the Department of Health Professions entered July 27, 2011, Ms. Wynn's license was mandatorily suspended based on Ms. Wynn's voluntary surrender of her license to practice nursing in the state of Arizona based on standard of care issues.

3. Ms. Wynn applied for reinstatement of her Virginia license on August 9, 2011. By Order entered December 16, 2011, the Board reinstated Ms. Wynn's license on indefinite probation with terms.

4. On January 6, 2014, Ms. Wynn submitted a petition for modification of the terms and conditions of probation. By Order entered August 26, 2014, the Board denied Ms. Wynn's petition and ordered that she continue on the terms and conditions of probation.

5. By e-mails dated July 8, 2016 and July 19, 2016, and again in her Self-Reports for the periods ending September 30, 2016 and December 31, 2016, Ms. Wynn petitioned the Board for release from the terms of the 2011 Board Order.

6. By e-mail dated August 8, 2016, the Board approved Ms. Wynn's position as a professional nurse at Clients First Home Health, Inc., Portsmouth, Virginia. Ms. Wynn's first day of employment in this position was August 10, 2016.

7. Grounds exist to deny Ms. Wynn's petition for termination of probation in that she has not completed one year of active employment in a professional nursing position, as required by Term Number 1 of the Order of the Board entered December 16, 2011 ("Board's Order").

8. Ms. Wynn violated Term Number 7 of the Board's Order, which required that she submit quarterly "Self-Reports" by the last day of the months of March, June, September, and December until the period of probation ends, in that she failed to timely submit the Self-Reports for the periods ending June 30, 2015 and September 30, 2015.

9. At the informal conference, Ms. Wynn stated that she was still working at Clients First Home Health, Inc. and that she wished to continue working there to complete the one year of active nursing employment required by Term Number 1 of the Board's Order.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The petition of Kim Harding Garnett Wynn, R.N., for modification of the terms and conditions of probation is hereby DENIED.

2. Kim Harding Garnett Wynn, R.N., is continued on INDEFINITE PROBATION subject to the following terms and conditions, as previously set forth in the Board Order entered November 16, 2011:

a. The period of probation shall begin from the date of the previous Board Order entered November 16, 2011 and shall continue indefinitely. After one year of active employment as a professional nurse, Ms. Wynn may request that the Board end this probation.

b. Ms. Wynn shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Wynn shall provide the name and address of each employer to the Board.

c. Ms. Wynn shall practice nursing only in a structured/supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site supervision by a professional nurse, who works the same shift, works on the same level of the building, and holds an unrestricted license. For all current nursing employment and before beginning or changing nursing employment during this period, Ms. Wynn shall have

current and all prospective employers provide a written description of the employment setting to the Board office for approval.

d. Ms. Wynn shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Wynn is employed through a staffing agency, she/he shall inform her supervisor in each facility where assigned that she is on probation.

e. Performance Evaluations shall be provided, at the direction of Ms. Wynn, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

f. Ms. Wynn shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

g. This Order shall be applicable to Ms. Wynn's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Wynn may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

h. Ms. Wynn shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

3. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

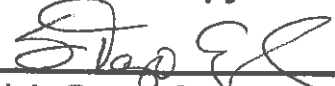
4. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Ms. Wynn and an administrative proceeding shall be held to determine whether to impose such action.

5. This Order shall remain in effect until the Board has notified Ms. Wynn in writing that she is released from probation.

6. The Executive Director of the Board is authorized to issue an Order or letter acknowledging satisfactory completion of the foregoing conditions or to refer the matter to an administrative proceeding for review of Ms. Wynn's compliance with the foregoing conditions.

Reviewed and approved on March 31, 2017
By Judith E. Piersall, R.N., B.S.N.
Agency Subordinate

Certified True Copy

By 
Virginia Board Of Nursing