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JUL 27 2011

VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

July 27, 2011

Kim Harding Garnett Wynn
215 William Penn Plaza, Apt. #603
Durham, NC 27704
and
4246 East Milky Way
Gilbert, AZ 85295

CERTIFIED MAIL

**DUPLICATE COPY
VIA FIRST CLASS MAIL**

DATE 7/27/11

RE: License No.: 0001-141448

Dear Ms. Wynn:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered July 27, 2011. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

cc: Kina Harding, Esquire
Enclosures
Case # 139746

Board of Audiology & Speech-Language Pathology – Board of Counseling – Board of Dentistry – Board of Funeral Directors & Embalmers
Board of Long-Term Care Administrators – Board of Medicine – Board of Nursing – Board of Optometry – Board of Pharmacy
Board of Physical Therapy – Board of Psychology – Board of Social Work – Board of Veterinary Medicine
Board of Health Professions

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: KIM HARDING GARNETT WYNN, R.N.
License No.: 0001-141448

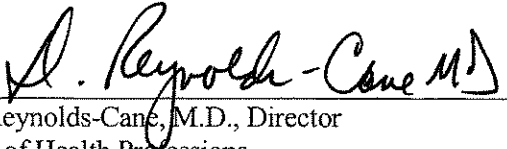
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the Arizona State Board of Nursing accepted the voluntary surrender, in lieu of further disciplinary action, from Kim Harding Garnett Wynn, R.N., of her license to practice nursing in the State of Arizona by a Consent for Entry of Voluntary Surrender Order dated July 12, 2011. A certified copy of the Consent for Entry of Voluntary Surrender Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Kim Harding Garnett Wynn, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Kim Harding Garnett Wynn, R.N., will be recorded as suspended and no longer current. Should Ms. Wynn seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: 7-27-11



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions

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CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Consent for Entry of Voluntary Surrender Order dated July 12, 2011, regarding Kim Harding Garnett Wynn, R.N., is a true copy of the records received from the Arizona State Board of Nursing.

D. Reynolds-Cane MD

Date: 7-27-11

Dianne L. Reynolds-Cane, M.D.

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street, Suite 200
Phoenix, Arizona 85014-3655
602-771-7800

2011 JUL 11 AM 10:20

IN THE MATTER OF REGISTERED NURSE
LICENSE NO. RN136608
ISSUED TO:

KIM HARDING WYNN,

Respondent.

CONSENT FOR ENTRY OF
VOLUNTARY SURRENDER
ORDER NO. 11A-0807086-NUR

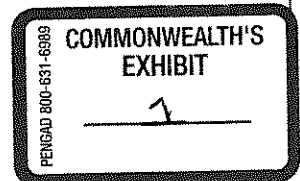
A complaint charging Kim Harding Wynn ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-1605.01(D), Respondent voluntarily surrenders her license for a minimum of three years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

PARTIES

1. The Arizona State Board of Nursing ("Board") has the authority to regulate and control the practice of nursing in the State of Arizona, pursuant to A.R.S. §§ 32-1606, 31-1646, 32-1663, 32-1664, 41-1092.11(B). The Board also has the authority to impose disciplinary sanctions against the holders of nursing licenses and certified nursing assistants for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1667 and A.A.C. R4-19-101 to -815.

2. Respondent held Board issued registered nurse license #RN136608, which expired on April 1, 2010. Respondent was initially licensed by the Board on May 19, 2006. The Board retains jurisdiction to proceed with an investigation or a disciplinary proceeding against a regulated party



1 whose license or certificate expired not more than five years before the Board initiates the
2 investigation. A.R.S. § 32-1664(C).

3
4 **FINDINGS OF FACT**

5 1. On or about July 30, 2008, the Board received a complaint from Mercy Gilbert Medical
6 Center ("MGMC"), in Gilbert, Arizona, concerning Respondents performance as a registered nurse on
7 June 29 and 30, 2008. Based upon the complaint, an investigation was initiated.

8
9 2. From about July 30, 2007 to July 21, 2008, Respondent was employed as a nurse at
10 MGMC.

11 3. Respondent worked the nightshift (7:00 p.m. to 7 a.m.) at MGMC on June 29, 2008 to
12 June 30, 2008. Respondent was assigned patient MB, an elderly female with a small bowel obstruction.
13 Respondent administered morphine sulfate 2 mg IV to patient M.B. at 10:36 p.m. on June 29. At about
14 2:56 a.m. on June 30, she administered another dose of morphine. According to medical records,
15 Respondent failed to reassess the patient after administering either dose of morphine. It is the standard
16 of care to assess a patient after administering morphine. At 4:00 a.m. on June 30, patient MB's blood
17 pressure was recorded at 78/54, which is critically low, and her oxygen saturation was 87% on room air.
18 Respondent failed document a change in vital signs for patient MB or note report of the vital sign
19 changes to the physician or oncoming nurse. At 6:20 p.m. on June 30, MB was emergently transferred
20 to the intensive care unit and died later that evening.

21
22 4. On July 2, 2008, MGMC placed Respondent on administrative leave pending an
23 investigation into the death of patient MB. MGMC staff recommended that Respondent be terminated,
24 but Respondent submitted a resignation letter dated July 18, 2008, to MGMC. Respondent is ineligible
25 for rehire.
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CONCLUSIONS OF LAW

1. The Arizona State Board of Nursing ("Board") has the authority to regulate and control the practice of nursing in the State of Arizona, pursuant to A.R.S. §§ 32-1606, 32-1646, 32-1663, 32-1664, and 41-1092.11(B). The Board also has the authority, pursuant to A.R.S. § 32-1663 and A.R.S. § 32-1664, to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 through -1669, and A.A.C. R4-19-101 through R4-19-815.

2. If the Board may take disciplinary action against a nurse who has committed an act of unprofessional conduct. A.R.S. §§ 32-1663(D) and -1664(N).

3. The conduct and circumstances described in the Findings of Fact constitute unprofessional conduct pursuant to A.R.S. §32-1601(16)(d) (any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public) (effective May 9, 2002).

4. The conduct and circumstances described in the Findings of Fact constitute unprofessional conduct pursuant to A.R.S. §32-1601(16)(j) (violating a rule that is adopted by the board pursuant to this chapter) (effective May 9, 2002).

5. For purposes of A.R.S. § 32-1601(16)(d) (effective May 9, 2002), the conduct described in the Findings of Fact constitutes conduct or practice that is or might be harmful or dangerous to the health of a patient or the public pursuant to A.A.C. R4-19-403(B)(31) (practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed) (effective November 12, 2005).

Respondent admits the Board's Findings of Fact, Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter.

Respondent further waives any and all claims or causes of action, whether known or unknown, that

1 Respondent may have against the State of Arizona, the Board, its members, offices, employees and/or
2 agents arising out of this matter.

3 Respondent understands that all investigative materials prepared or received by the Board
4 concerning these violations and all notices and pleadings relating thereto may be retained in the
5 Board's file concerning this matter.
6

7 Respondent understands that the admissions in the Findings of Fact are conclusive evidence of
8 a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any
9 future disciplinary matter.
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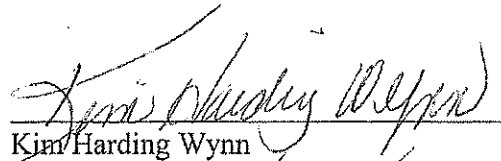
11 Respondent understands the right to consult legal counsel prior to entering into the Consent
12 Agreement and such consultation has either been obtained or is waived.
13

14 Respondent understands that this Voluntary Surrender is effective upon its acceptance by the
15 Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto.
16 Respondent's signature obtained via facsimile shall have the same effect as an original signature.
17 Once signed by Respondent, the agreement cannot be withdrawn without the Executive Director or
18 the Board's approval or by stipulation between Respondent and the Executive Director or the Board.
19 The effective date of this Order is the date the Voluntary Surrender is signed by the Executive
20 Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the
21 later date is the effective date.
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23 Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent
24 also understands that she may not reapply for re-issuance during the period of Voluntary Surrender.
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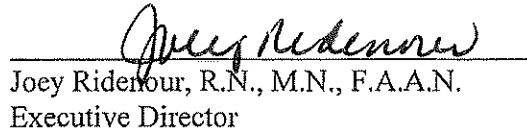
26 Respondent agrees that she may apply for re-issuance after the period of voluntary surrender
27 under the following conditions, and must comply with current law at the time of their application for
28 re-issuance.
29

1 The application for re-issuance must be in writing and shall contain therein or have attached
2 thereto substantial evidence that the basis for the voluntary surrender has been removed and that the
3 re-issuance of the license does not constitute a threat to the public's health, safety and welfare. The
4 Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding
5 Respondent as it deems necessary. These conditions shall be met before the application for re-
6 issuance is considered.
7

8 
9 Kim Harding Wynn

10 Date: 6/29/11

11 ARIZONA STATE BOARD OF NURSING

12 SEAL
13 
14 Joey Ridenour, R.N., M.N., F.A.A.N.
15 Executive Director

16 Dated: 7/12/2011

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1 ORDER

2 Pursuant to A.R.S. § 32-1605.01(D) the Board hereby accepts the Voluntary Surrender of
3 registered nurse license number RN136608 issued to Kim Harding Wynn. This Order of Voluntary
4 Surrender hereby entered shall be filed with the Board and shall be made public upon the effective
5 date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a
6 multistate license.
7

8
9 IT IS FURTHER ORDERED that Respondent may apply for re-issuance of said license after a
10 period of three years.

11 SEAL

ARIZONA STATE BOARD OF NURSING

12
13 Joey Ridenour
14 Joey Ridenour, R.N., M.N., F.A.A.N.
15 Executive Director

16 Dated: 7/12/2011

17
18
19 ORIGINAL mailed this 13 day of July, 2011, to
20 Kim Harding Wynn
21 4246 East Milky Way
22 Gilbert, Arizona 85295
23 Respondent

24 COPY mailed this 13 day of July, 2011, to
25 Kina Harding, Esq.
26 The Harding Law Firm, LLC
27 PO Box 745
28 Higley, AZ 85236
29 Attorney for Respondent

By: Vicky Driver
Hearing Department Staff

2011 JUL 11 AM 10:20