

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CYNTHIA YVONNE ELLIS R.N. REINSTATEMENT APPLICANT
License Number: 0001-129471
Suspension Date: August 23, 2016
Case Number: 176728

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a formal hearing has been scheduled before the Board of Nursing (“Board”) regarding your application for reinstatement of your license to practice professional nursing in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	January 23, 2017 1:00 P.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of professional nursing.

3. In considering your application, the Board will consider evidence that grounds may exist to deny your application for reinstatement of your license to practice professional nursing, as more fully set out in the enclosed Statement of Allegations.

4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Approve your application and issue an unrestricted license to practice professional nursing;
- Approve your application and issue a restricted license subject to terms and conditions;

- Deny your application and continue your license on indefinite suspension or revoke your license.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: **January 17, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **January 18, 2017**. If no objections have been received by **January 18, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **January 19, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: **January 17, 2017**. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **January 17, 2017**. If you have not filed any objections by

January 17, 2017, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. If you do file objections, the Commonwealth has until **January 17, 2017**, to file a response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

OTHER PRE-HEARING MOTIONS

If you or Adjudication Specialist Steven Bulger desire to make any pre-hearing motions regarding matters other than the exhibits, including offers of settlement, each of you is directed to file motions, in writing, addressed to Darlene Graham at the Board office by **January 17, 2017**. Responses to motions filed must be submitted by **January 17, 2017**. The Chair of the proceeding will rule on the motion.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **January 17, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **January 17, 2017**.

OTHER IMPORTANT INFORMATION:

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF ALLEGATIONS

The Board alleges that grounds exist to refuse to reinstate the license of Cynthia Yvonne Ellis to practice professional nursing in that:

1. Cynthia Yvonne Ellis violated Virginia Code § 54.1-3007(4) in that, on January 22, 2010, in the Circuit Court of Goochland County, Virginia, Ms. Ellis was convicted of one count of aiding prisoner escape, a felony. Pursuant to Virginia Code § 54.1-2409, this conviction formed the basis for the mandatory suspension of her license to practice professional nursing by Order of the Department of Health Professions entered August 23, 2016.

2. Cynthia Yvonne Ellis violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to mental or physical illness, as evidenced by the following:

a. Between June 3, 2016 and June 6, 2016, Ms. Ellis was admitted to Saint Mary's Hospital's Inpatient Psychiatric Unit, Richmond, Virginia, after having been admitted to the Intensive Care Unit when she was found unresponsive at home following an overdose of alcohol and prescription medications. Upon discharge, Ms. Ellis was diagnosed with borderline personality disorder and depression. Ms. Ellis admitted to a long history of depression and anxiety.

b. On or about May 3, 2016 and June 10, 2016, Ms. Ellis was diagnosed at Atlee Family Physicians, Mechanicsville, Virginia, with neurotic depression, chronic insomnia, rheumatoid arthritis involving multiple joints, and adult attention deficit disorder.

c. Between March 27, 2009 and August 6, 2015, Ms. Ellis received several diagnoses from Virginia Physicians, Inc., Henrico, Virginia, for kidney disease chronic, unspecified, and rheumatoid arthritis.

d. On or about October 27, 2015, Ms. Ellis was diagnosed by the Bon Secours Arthritis and Osteoporosis Center of Richmond, Richmond, Virginia, with sjogren's syndrome.

e. On or about March 28, 2015, Ms. Ellis was diagnosed by the Virginia Eye Institute, Midlothian, Virginia, with nonexudative senile macular degeneration of the retina.

f. On or about August 4, 2015, Ms. Ellis's left her professional nursing position with Nightingale Nurses, Boca Raton, Florida, because of symptoms related to allergies and rheumatoid arthritis.

3. Ms. Ellis violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing ("Regulations") during the course of her employment as a professional nurse with Chippenham Hospital, Richmond, Virginia, in that:

a. Between April 20, 2010 and February 15, 2012, Ms. Ellis failed, on two occasions, to properly apply bed restraints, allowing patients to fall. Ms. Ellis also failed to properly document the events.

b. On or about February 11, 2012, Ms. Ellis failed to timely recognize signs of urinary retention in a patient which resulted in a delay in care and caused the patient to suffer unnecessarily.

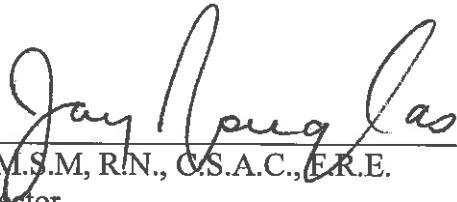
4. Ms. Ellis violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that she provided false information on the following employment applications:

a. On or about January 2016, on her employment application with Trustaff, Boca Raton, Florida, she indicated that her reason for leaving her prior employment with Chippenham Hospital was that she had another opportunity, when, in fact, her employment had been terminated.

b. On or about May 26, 2015, on her employment application with Nightingale Nurses, she indicated that her reason for leaving her prior employment with Chippenham Hospital was

that she had been laid off due to financial issues of the facility, when, in fact, her employment had been terminated.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Ellis's health records or health services.



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

Date January 12th, 2017