

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LAURA GASKIN BANKS, R.N.
License Number: 0001-092760
Case Number: 171053

RATIFICATION AND ORDER

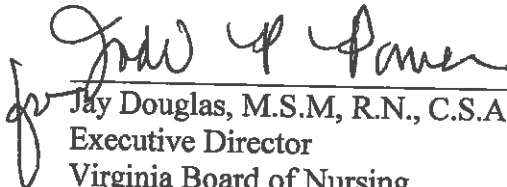
On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Laura Gaskin Banks, R.N. was not present nor was she represented by legal counsel.

In consideration whereof, 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.

Since Ms. Banks failed to appear at the informal conference, this Order shall be considered final. Ms. Banks has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Banks has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD



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

ENTERED AND MAILED ON:

October 5, 2016

Certified True Copy

By D. Fowler
Virginia Board of Nursing

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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 Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on August 2, 2016 in Henrico County, Virginia, to inquire into evidence that Laura Gaskin Banks, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Banks did not appear 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 July 8, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Banks notifying her that an informal conference would be held on August 2, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The certified mail receipt was signed by Ms. Banks and returned to the Board. The Notice sent by first class mail was not returned to the Board’s office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Banks and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Laura Gaskin Banks, R.N. was issued License Number 0001-092760 to practice professional nursing on July 26, 1984, which is scheduled to expire on March 31, 2018. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. Ms. Banks violated Virginia Code § 54.1-3007(5) and (6) in that during the course of her employment with Sentara Virginia Beach General Hospital (“SVBGH”), Virginia Beach, Virginia, on November 30, 2015, Ms. Banks went to work after consuming alcohol. Several SVBGH employees observed that Ms. Banks was impaired, noting that she had reddened eyes, slurred and mumbled speech, and a quiet and anxious affect. Ms. Banks was removed from the unit for blood alcohol testing. The test resulted in a blood alcohol content of .141.
3. Ms. Banks violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to alcohol abuse, as evidenced by the following:
 - a. Ms. Banks entered into a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) on January 6, 2016, acknowledging her alcohol abuse. On March 24, 2016, Ms. Banks was dismissed from the HPMP for failing to enter treatment as recommended, and failing to maintain communication with the HPMP.
 - b. As Ms. Banks acknowledged to an investigator for the Department of Health Professions, that from November 5, 2015 to November 9, 2015, she voluntarily admitted herself to Virginia Beach Psychiatric Center for alcohol detoxification. Her discharge diagnosis included a principal diagnosis of alcohol dependence and secondary diagnoses including alcohol withdrawal;

major depressive affective disorder, recurrent, moderate; substance-induced mood disorder-depressed; and alcohol induced hepatitis.

c. From December 22, 2014 to December 26, 2014, Ms. Banks voluntarily admitted herself to Virginia Beach Psychiatric Center for alcohol abuse. Her discharge diagnosis included a principal diagnosis of alcohol use disorder, severe, continuous, and secondary diagnoses of alcohol withdrawal and substance mood disorder, depressed. Ms. Banks then entered the Virginia Beach Psychiatric Center Partial Hospitalization Program from December 29, 2014 to January 9, 2015. Her discharge diagnosis included a principal diagnosis of alcohol withdrawal, and secondary diagnoses of alcohol use disorder, continuous, severe; mood disorder not otherwise specified; and depressed.

d. From July 10, 2014 to July 14, 2014, Ms. Banks voluntarily admitted herself to Virginia Beach Psychiatric Center for alcohol dependence. Her discharge diagnosis included a principal diagnosis of alcohol dependence, continuous, with detox.

e. On June 18, 2012, in the General District Court for the City of Virginia Beach, Virginia, Ms. Banks was convicted of driving under the influence, a class 1 misdemeanor.

4. Ms. Banks' addictionologist said in February of 2016 that it was too early in her recovery to say whether she can practice; however, in his opinion, the practice of nursing would be too stressful for her at this point. Further, he stated that he strongly believes that Ms. Banks should be in HPMP and that her success in it should determine when she can practice.

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 license of Laura Gaskin Banks to practice professional nursing is INDEFINITELY SUSPENDED from the date of entry of this Order.

2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Laura Gaskin Banks seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Laura Gaskin Banks to demonstrate that she is safe and competent to return to the practice of professional nursing. Laura Gaskin Banks 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.
5. The suspension shall be STAYED upon proof of Laura Gaskin Banks's re-entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").
6. Upon stay of the suspension, Laura Gaskin Banks shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
7. Upon receipt of evidence of Laura Gaskin Banks's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Laura Gaskin Banks's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.
8. This Order is applicable to Laura Gaskin Banks's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Laura Gaskin Banks shall 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 seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
9. Failure to comply with the terms and conditions of the stay of suspension shall be reason for summarily rescinding the stay of suspension of the license of Laura Gaskin Banks, and the

license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

Reviewed and approved on September 1, 2016
By Judith Piersall, R.N. B.S.N.,
Agency Subordinate

Certified True Copy

By *A. Fowler*
Virginia Board of Nursing