

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: CYNTHIA YVONNE ELLIS, R.N.**  
**License Number: 0001-129471**  
**Case Number: 176728**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on January 23, 2017, in Henrico County, Virginia, to receive and act upon Cynthia Yvonne Ellis's application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

Cynthia Yvonne Ellis, R.N., appeared at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated January 12, 2017, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Ellis notifying her that a formal administrative hearing would be held on January 23, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

**FINDINGS OF FACT**

1. Cynthia Yvonne Ellis, R.N., was issued License No. 0001-129471 to practice professional nursing in the Commonwealth of Virginia on August 28, 1992. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code of Virginia by Order of the Department of Health Professions entered on August 23, 2016. Ms. Ellis's primary state of residence is Virginia.

2. Ms. Ellis submitted an application for reinstatement of said license to the Board on October 6, 2016.

3. 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.

4. 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.

5. On 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.

6. During the course of her employment as a professional nurse with Chippenham Hospital, Richmond, Virginia, 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.

7. During the course of her employment as a professional nurse with Chippenham Hospital, on 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.

8. In January 2016, on her employment application with Trustaff, Boca Raton, Florida, Ms. Ellis 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.

9. On 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.

10. At the hearing, Ms. Ellis explained that her felony conviction occurred because she was worried about her son so she went and picked him up from work camp where he was incarcerated. She told the Board that she “reacted as a mother.”

11. Ms. Ellis testified that the patients referenced in Finding of Fact Number 6 were instructed to call for help, but they were confused so they did not call for help. Because of this, Ms. Ellis stated, the patients were found sitting next to their beds. However, documentation from the hospital demonstrated that one of the patients fell in the bathroom. Further, Ms. Ellis testified there was no patient harm, but the same patient “had a confirmed subdural hematoma as a result of the falls.” When questioned about this discrepancy, Ms. Ellis stated that she had forgotten about that result.

12. When addressing the urinary retention patient mentioned in Finding of Fact Number 7, Ms. Ellis testified that when she last did her rounds on the individual, the patient did not complain or exhibit symptoms, and did not do so until the next shift.

13. Ms. Ellis stated that the hospitalization mentioned in Finding of Fact Number 4 was due to her dealing with a difficult personal time, and that she was feeling very depressed and overwhelmed. She told the Board that she does not feel depressed anymore. However, she testified that she is not receiving any mental health treatment because she cannot afford it. She told the Board that her family and close friends are her support system.

14. Ms. Ellis testified that when she failed to say she was “terminated” on her employment applications she did not think that she was being untruthful because she testified that the Virginia Employment Commission had determined her termination was without cause. She told the Board that she

did not believe she was rightfully terminated from Chippenham, but on her application for Trustaff she did describe the situation surrounding her termination.

15. Ms. Ellis told the Board that she loves travel nursing and establishing a rapport with patients. She stated that she loves working with patients and feels fulfilled when practicing as a nurse.

#### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(4).  
2. Findings of Fact Nos. 4 through 5 constitute a violation of Virginia Code § 54.1-3007(6).  
3. Findings of Fact Nos. 6 and 7 constitute a violation of 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”).

4. Findings of Fact Nos. 8 and 9 constitute a violation of Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

#### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Cynthia Yvonne Ellis, R.N., is REPRIMANDED.
2. The application of Cynthia Yvonne Ellis, R.N., for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the proceeding. Further, it is ORDERED that the license be CONTINUED on INDEFINITE SUSPENSION. Should she petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether Ms. Ellis is able to return to the safe and competent practice of professional

nursing. Ms. Ellis 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.

3. This suspension applies to any multistate privilege to practice professional nursing.

4. It is further ORDERED that said suspension shall be STAYED upon the following terms and conditions:

a. Ms. Ellis's entry into the Health Practitioners' Monitoring Program ("HPMP"). Thereafter, Ms. Ellis shall comply with the terms and conditions of the HPMP for the period specified by the HPMP.

b. Successful completion of the following NCSBN courses: *Documentation: A Critical Aspect of Client Care*; and *Professional Accountability & Legal Liability for Nurses*.

5. Upon receipt of evidence of Ms. Ellis's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Ellis's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

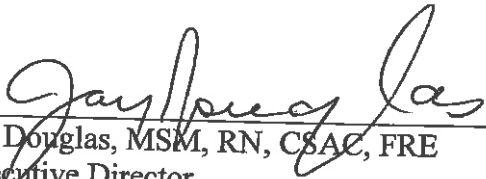
6. This Order is applicable to Ms. Ellis's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Ellis shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia 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.

7. Cynthia Yvonne Ellis, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

8. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Cynthia Yvonne Ellis, R.N., and the license shall be recorded as suspended. After any rescission of the stay of suspension, Ms. Ellis may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

FOR THE BOARD

  
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Jay Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

ENTERED AND MAILED ON:

February 9<sup>th</sup>, 2017

**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 Douglas, MSM, RN, CSAC, FRE, 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.

Certified True Copy

By   
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Virginia Board Of Nursing