

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: GARY CHARLES LEAUBY, JR., R.N.**  
**License Number: 0001-238086**  
**Case Number: 172579**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on August 1, 2016, in Henrico County, Virginia, to inquire into evidence that Gary Charles Leaby, Jr., R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Gary Charles Leaby, Jr., R.N. appeared at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated July 5, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Leaby notifying him that an informal conference would be held on August 1, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Gary Charles Leaby, Jr., R.N. was issued License Number 0001-238086 to practice professional nursing on June 20, 2012, which is scheduled to expire on August 31, 2018. At all

times relevant to the findings contained herein, said license was in full force and effect. His primary state of residence is Virginia.

2. Mr. Leaby violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing in that, during the course of his employment with Bon Secours St. Mary's Hospital, Richmond, Virginia ("SMH"):

a. On February 29, 2015, by his own admission, Mr. Leaby added saline to a fentanyl (C-II) syringe that had originally contained 100 mcg of fentanyl. Mr. Leaby administered the diluted fentanyl to Patient A. Mr. Leaby falsely documented in Pyxis, Patient A's medication administration record ("MAR") and Patient A's procedure report that a full dose of fentanyl was given as ordered. Mr. Leaby failed to report the incident to his supervisor. At the informal conference, Mr. Leaby admitted to mishandling the spillage of the fentanyl. There was no evidence of diversion on the part of Mr. Leaby.

b. On June 30, 2015, Mr. Leaby administered 400 mg of Neo-Synephrine (phenylephrine) to a critical patient instead of the ordered 100 mg. Mr. Leaby failed to clarify the order with the physician and failed to scan the dose in the patient's MAR. At the informal conference, Mr. Leaby admitted to administering the incorrect dose of Neo-Synephrine and stated that he informed his supervisor of the error.

c. On February 21, 2014, by his own admission, Mr. Leaby mislabeled a urine specimen collected from a patient. Mr. Leaby failed to identify the patient by examining the patient's wrist band and failed to verify the name on the specimen label. At the informal conference, Mr. Leaby stated that he has taken steps to remediate his practice errors, including double-checking patient identifiers before labeling specimens.

3. Mr. Leaby's employment with SMH was terminated on March 3, 2016 as a result of his practice errors.

4. At the informal conference, Mr. Leaby stated he takes full responsibility for his practice errors and has sought counseling and obtained an R.N. mentor to improve his practice.

5. Mr. Leaby has been employed with Henrico Doctor's Hospital, Parham in the ICU since April, 2016. Mr. Leaby stated at the informal conference that there are no practice issues with his current employer and that his employer is aware of his appearance before the Committee.

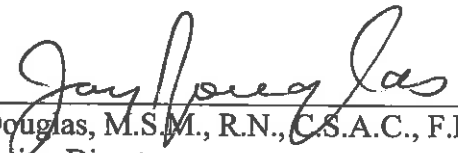
### ORDER

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

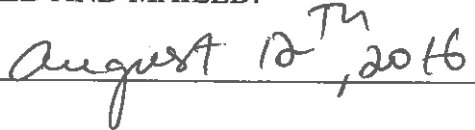
1. Gary Charles Leaby, Jr. is REPRIMANDED.
2. Within 60 days from the date of entry of this Order, Gary Charles Leaby, Jr. shall provide written proof satisfactory to the Board of successful completion of the following NCSBN courses:
  - a. Professional Accountability & Legal Liability for Nurses; and
  - b. Righting a Wrong: Ethics and Professionalism in Nursing.
3. Gary Charles Leaby, Jr. shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.
4. 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.

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


ENTERED AND MAILED:

  
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August 12<sup>TH</sup>, 2016

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Virginia Code § 54.1-2400(10), Mr. Leaby may, not later than 5:00 p.m., on September 14, 2016, notify Jay Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he 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. This Order shall become final on September 14, 2016, unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**

By   
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Virginia Board of Nursing