

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**SHEILA GIBSON, L.P.N.
License No.: 0002-109602**

AMENDED ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on April 24, 2007, in Henrico County, Virginia. Ms. Gibson was not present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 18, 2007, the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Gibson submitted written comments.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Sheila Gibson was issued License No. 0002-109602 to practice practical nursing in Virginia on April 29, 1999. Said license expired on March 31, 2007.
2. By letter dated April 6, 2007, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gibson notifying her that an informal conference would be held on April 24, 2007. The Notice was sent by certified and first class mail to Ms. Gibson at P. O. Box 52, Dungannon, Virginia 24245, the address of record on file with the Board of Nursing.
3. Information obtained from the United States Postal Service website indicated that the certified letter was delivered to Ms. Gibson's address of record on April 10, 2007. Moreover, the Notice sent to Ms. Gibson's address of record by first class mail was not returned to the Board. Accordingly, the Agency Subordinate determined that proper notice had been made, and the informal conference convened in Ms. Gibson's absence.
4. By an Order of the Board entered October 15, 2004 ("Board's Order"), Ms. Gibson was placed

on probation for a period of two years, subject to certain terms and conditions.

5. Term No. 3 of the Board's Order required Ms. Gibson to advise the Board in writing within ten days of the date she began nursing practice or changed employment, or had any interruption in her practice. On or about November 23, 2004, Ms. Gibson advised that she was employed by Wexford House, Kingsport, Tennessee; however, she did not submit this information in writing. Further, on or about December 3, 2004, her employment was terminated. She did not provide this information until January 28, 2005.

6. Term No. 6 of the Board's Order required Ms. Gibson to practice only in a structured, supervised employment setting for the first two years of employment. Additionally, this term required her to provide a written description of the employment setting to the Board for approval. On or about November 23, 2004, she advised that she was employed by Wexford House, Kingsport, Tennessee. She failed to provide a written description of this employment setting for approval.

7. Term Nos. 2 and 7 of the Board's Order required Ms. Gibson to submit quarterly "self-reports." The initial self report, due January 18, 2005, was received on January 28, 2005. The reports due for March, June, September and December 2005 were not received in a timely manner.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact #5 constitutes a violation of Term No. 3 of the Board's Order.
2. Finding of Fact #6 constitutes a violation of Term No. 6 of the Board's Order.
3. Finding of Fact #7 constitutes a violation of Terms Nos. 2 and 7 of the Board's Order.

ORDER

WHEREFORE, having considered and adopted the recommended Findings of Fact and Conclusions of Law, it is hereby ORDERED that Ms. Gibson's right to renew License No. 0002-109602 to practice as a practical nurse in the Commonwealth of Virginia, be, and hereby is, INDEFINITELY SUSPENDED until such time that she can provide evidence that she is safe and competent to resume the practice of nursing. This order shall be

applicable to Ms. Gibson's multistate licensure privileges, if any, to practice practical nursing.

At such time as Ms. Gibson shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a practical nurse. Ms. Gibson shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

Since Ms. Gibson failed to appear at the informal conference, this Order shall be considered final. Ms. Gibson 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. Gibson has thirty (30) 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, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at 6603 West Broad Street, Richmond, Virginia 23230. In the event that this decision is served by mail, three (3) days are added to that period.

Pursuant to § 54.1-2400.2(F) 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.

FOR THE BOARD

for Gloria Mitchell
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

Entered: 8/2/2007
Nunc pro tunc

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Sheila Gibson at P. O. Box 52, Dungannon, Virginia 24245.

for Gloria D. Mitchell
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

8/9/07
DATE

Certified True Copy
By Royce 8/9/07
Virginia Board of Nursing