

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SHEILA GIBSON, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-109602

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on August 21, 2012, in Henrico County, Virginia, to receive and act upon Sheila Gibson’s application for reinstatement of her certificate to practice practical nursing in Virginia and to inquire into evidence that Ms. Gibson may have violated certain laws and regulations governing practical nursing practice. Ms. Gibson was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Sheila Gibson, L.P.N., was issued License No. 0002-109602 to practice as a practical nurse in the Commonwealth of Virginia on April 29, 1999. Said license expired on March 31, 2007, and her right to renew her license was indefinitely suspended by the Board on August 9, 2007. Ms. Gibson’s primary state of residence is Virginia.

2. By letter dated July 24, 2012, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Gibson notifying her that an informal conference would be held on August 21, 2012. The Notice was sent by certified and first class mail to P.O. Box 52, Dungannon, Virginia, 24245, the address of record on file with the Board of Nursing.

3. Ms. Gibson submitted an application for reinstatement of her license to practice practical nursing, which was received by the Board on March 8, 2012.

4. On October 15, 2004, the Board placed Ms. Gibson on probation in connection with multiple standard of care issues. After Ms. Gibson failed to comply with the terms of her probation, the Board indefinitely suspended her right to renew her license following its expiration on March 31, 2007.

5. On July 23, 2002, Ms. Gibson was convicted in the General District Court of Russell County, Virginia, of issuing a bad check, a misdemeanor involving moral turpitude.

6. On her March 8, 2012, application for reinstatement of her license to practice practical nursing, Ms. Gibson falsely stated that she had never been convicted, pled guilty to, or pled Nolo Contendere to the violation of any federal, state, or other statute or ordinance constituting a felony or misdemeanor.

7. Ms. Gibson stated at the informal conference that she had forgotten about the 2002 conviction when she applied for reinstatement.

8. Ms. Gibson stated that she has not practiced practical nursing in approximately eight years, although she stated that she has completed 16 hours of continuing education.

CONCLUSIONS OF LAW

1. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(4) of the Code.

2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing.

3. The Board concludes that Ms. Gibson has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The license of Sheila Gibson, L.P.N., is hereby REINSTATED.

2. Ms. Gibson shall be placed on PROBATION for a period of 12 months of actual nursing practice and subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Gibson has completed 12 months of active employment as a licensed practical nurse. The license of Ms. Gibson shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code of Virginia (1950), as amended (“Code”).

b. Ms. Gibson shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Gibson shall provide the name and address of each employer to the Board.

c. Ms. Gibson shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Gibson is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Performance Evaluations shall be provided, at the direction of Ms. Gibson, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

e. Ms. Gibson shall enroll in and successfully complete a Board-approved refresher course and shall not practice until she has provided written evidence to the Board of satisfactory completion of said courses and has received permission from the Board to do so.

f. Ms. Gibson shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

g. The Board shall issue a license marked “Valid in Virginia Only; Probation with Terms.”

h. Ms. Gibson shall conduct herself as a licensed practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

i. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Gibson and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

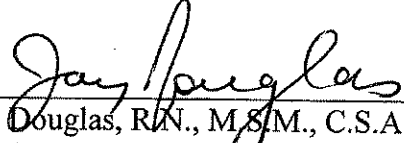
j. This Order is applicable to Ms. Gibson’s multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Gibson shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Gibson may, not later than 5:00 p.m., on **October 23, 2012**, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300,

Henrico, Virginia 23233, in writing that she 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.

FOR THE COMMITTEE:


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

ENTERED: September 21ST, 2012

This Order shall become final on **October 23, 2012**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing