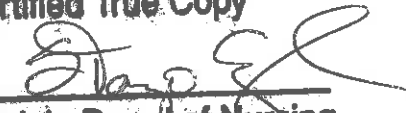


Certified True Copy

By   
Virginia Board of Nursing



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

December 17, 2015

Kimberly Sue Eldreth Reynolds  
24572 Brumley Gap Road  
Abingdon, VA 24210

CERTIFIED MAIL

**DUPLICATE COPY  
VIA FIRST CLASS MAIL**

RE: License No.: 0001-193548

DATE 12/17/15

Dear Ms. Reynolds:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered December 17, 2015. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

**RECEIVED**

DEC 21 2015

**VA BD OF NURSING**

Enclosures  
Case # 169019

Sincerely,



David E. Brown, D.C., Director  
Department of Health Professions

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE:           KIMBERLY SUE ELDTRETH REYNOLDS, R.N.**  
**License No.: 0001-193548**


**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the privilege of Kimberly Sue Eldreth Reynolds, R.N., to practice nursing through the Nurse Licensure Compact in the State of Tennessee was revoked by an Order dated November 19, 2015. A certified copy of the Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Kimberly Sue Eldreth Reynolds, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Kimberly Sue Eldreth Reynolds, R.N., will be recorded as suspended and no longer current. Should Ms. Reynolds seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



\_\_\_\_\_  
David E. Brown, D.C., Director  
Department of Health Professions

ENTERED: 12/17/15



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director


## Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367-4400  
FAX (804) 527-4475

### CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Order dated November 19 2015, regarding Kimberly Sue Eldreth Reynolds, R.N., is a true copy of the records received from the Tennessee Board of Nursing.

  
\_\_\_\_\_  
David E. Brown, D.C.

Date: 12/17/15

BEFORE THE TENNESSEE BOARD OF NURSING

RECEIVED  
NOV 19 3:21 PM  
SECRETARY OF

In the Matter of: )  
 )  
Kimberly Reynolds )  
V.A. R.N. License #: 0001193548 )  
 )  
RESPONDENT )

Docket No. 17.19-133167A

ORDER

This matter came to be heard before the Tennessee Board of Nursing (Board) on the 18<sup>th</sup> day of November, 2015, pursuant to a Notice of Hearing and Charges filed against the Respondent. Presiding at the hearing was the Honorable Mary Collier, Administrative Law Judge, assigned by the Secretary of State. The State was represented by Caroline R. Tippens, Assistant General Counsel. The Respondent was not present and not represented by counsel. Counsel for the State made a motion pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 4-5-309 to find the Respondent in default.

In support of its motion, the State introduced evidence that Respondent's address of record on file with the Virginia Board of Nursing was 24572 Brumley Gap Road, Abingdon, VA 24210. The State also ran a CLEAR search which indicated that Respondent's most recent address was 24572 Brumley Gap Road, Abingdon, VA 24210. The CLEAR search was entered as Exhibit 1 to the technical record. On September 18, 2015, the State Sent a Notice of Hearing and Charges to the Respondent via the United States Postal Service certified mail, and via the United States Postal Service, first class mail. A certified mail return receipt signed by "K. Reynolds" was returned to the State, indicating that the Notice of Hearing and Charges was received on September 23, 2015. Copies of the certified mail return receipts were entered as Exhibit 2 to the technical record. A Postal Trace was also run on the 24572 Brumley Gap Road, Abingdon, VA 24210 address. The Postal Trace was returned to the State and indicated that the Respondent



received mail as addressed. On October 2, 2015, Joyce Young, paralegal to Caroline Tippens, attempted to contact Respondent by phone. A voicemail was left for the Respondent. On October 2, 2015, a copy of the Notice of Charges was emailed to Respondent. Copies of the affidavit from the Virginia Board of Nursing verifying the address of the Respondent, the Postal Trace, and the affidavit of Joyce Young were made collective Exhibit 3 to the technical record. However, despite the State's repeated attempts to contact her, the Respondent failed to appear. Having considered the evidence in this matter, the Administrative Judge advised the Board that service on the Respondent was legally sufficient. By majority vote, the Board GRANTED the State's motion to find the Respondent in DEFAULT and to conduct the proceeding without the participation of the Respondent. After consideration of the Notice of Hearing and Charges, testimony of witnesses, argument of counsel, and the record as a whole, the Board finds as follows:

---

### FINDINGS OF FACT

---

1. Respondent has been at all times pertinent hereto licensed by the Virginia Board of Nursing as a registered nurse, having been granted license number 0001193548 on November 16, 2004 which currently has an expiration date of May 31, 2016. Respondent's Virginia registered nurse license is active and bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.
2. From on or about March 21, 2014 until December 5, 2014, the Respondent was employed as a registered nurse in the Emergency Department at Bristol Regional Medical Center ("BRMC") in Bristol, TN.
3. On or about November 28, 2014, the Respondent's Charge Nurse in the Emergency Department found empty carpupjects of Dilaudid in the drawer of one of the ER rooms. An

Omnicell report revealed that the Respondent had a high utilization of Dilaudid and frequently pulled Dilaudid without a physician's order.

4. When confronted, Respondent admitted that she had diverted approximately twenty (20) carpjects of Dilaudid from BRMC.

5. On or about December 5, 2014, the Respondent resigned from BRMC in lieu of termination.

6. On or about July 10, 2015, in the Criminal Court for the Second Judicial District for the State of Tennessee in Sullivan County, the Respondent pled guilty to theft over one thousand dollars (\$1,000.00) a violation of Tenn. Code Ann. § 39-14-103 and a Class D felony. The Respondent also pled guilty to six (6) counts of fraudulently obtaining controlled substances, a violation of Tenn. Code Ann. § 53-11-402 and imposed a two thousand five hundred dollar (\$2,500.00) fine. According to the terms of her plea agreement, the Respondent was also ordered to pay restitution in the amount of one thousand ninety-four dollars and seventy-three cents (\$1,094.73) to Bristol Regional Medical Center, as well as fines and costs.

---

### CONCLUSIONS OF LAW

---

The Board, having jurisdiction over this matter, finds the facts in this Order are sufficient to establish that the Respondent has violated the following provisions of TENN. CODE ANN. § 63-7-101, *et seq.* and the Official Compilation Rules and Regulations of the State of Tennessee for the Board of Nursing (TENN. COMP. R. & REGS.) 1000-01-.01, *et seq.*:

7. The facts as found in paragraphs two (2) through six (6) constitute a violation of Tenn. Code Ann. § 63-7-115(a)(1):

(B) Is guilty of a crime; and

(F) Is guilty of unprofessional conduct.

8. The facts as found in paragraphs two (2) through six (6) constitute a violation of Tenn. Comp. R. & Regs. 1000-01-.13(1), which defines "unprofessional conduct, unfitness or incompetency by reason of negligence, habits or other cause" as including, but not limited to:

- (b) Failure to maintain a record for each patient which accurately reflects the nursing problems and interventions for the patient and/or failure to maintain a record for each patient which accurately reflects the name and title of the nurse providing care;
- (d) Making false or materially incorrect, inconsistent or unintelligible entries in any patient records or in the records of any health care facility, school, institution or other work place location pertaining to the obtaining, possessing or administration of any controlled substance as defined in the Federal Controlled Substances Act;
- (e) Unauthorized use or removal of narcotics, drugs, supplies, or equipment from any health care facility, school, institution or other work place location;
- (h) Impersonating another licensed practitioner; and
- (w) Engaging in acts of dishonesty which relate to the practice of nursing.

9. ARTICLE III – General Provisions and Jurisdiction.

- (b) Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.
- (c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

ARTICLE V – Adverse Actions.

- (c) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state.
- (d) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.



- (e) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.

---

### REASONS FOR THE DECISION

---

It is the policy of the Board to enforce the Statutes and Rules. This Virginia licensed nurse has been found guilty of a crime and guilty of unprofessional conduct. A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. This discipline upon an out of state licensee is appropriate to protect the health, welfare, and safety of the public in Tennessee.

**THEREFORE**, it is **ORDERED** as follows:

10. Respondent's privilege to practice nursing in the State of Tennessee is hereby **REVOKED**, beginning the effective date of this Order.
11. Respondent is ordered to **CEASE and DESIST** practicing nursing in the State of Tennessee.
12. The Board finds that the Respondent pled guilty to six (6) counts of obtaining a controlled substance by fraud. The Respondent is hereby assessed six (6) Type A Civil Penalties in the amount of one thousand dollars (\$1,000.00) each, for a total of six thousand dollars (\$6,000.00), in accordance with TENN. COMP. R. & REGS. 1000-01-.04(6).
13. Respondent shall pay the costs of this action pursuant to Tenn. Code Ann. §§ 63-7-115(d) and 63-1-144, and Tenn. Comp. R. & Regs. 1000-01-.04(11). These costs will be established by an Assessment of Costs prepared by counsel for the Department. The Assessment of Costs shall not exceed five thousand dollars (\$5,000.00) and shall be paid in full within twenty-four (24) months from the issuance of the Assessment of Costs.

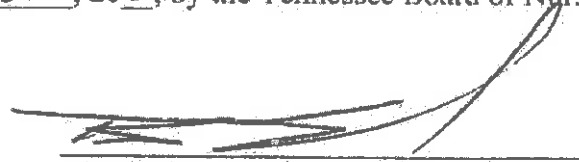
---

**NOTICE**

---

14. This revocation of privilege and civil penalties are formal disciplinary actions and will be reported to the National Practitioner Data Bank (NPDB).
15. Civil penalties are hereby assessed pursuant to Tenn. Comp. R. & Regs. 1000-01-.04(6) and Tenn. Code Ann. § 63-1-134(c), which states in particular:
- (1) Civil penalties assessed pursuant to this section are final, due and payable as of the date shown on the certificate of filing below.
  - (2) If the violator fails to pay an assessment when it becomes final, the department may apply to the appropriate court for a judgment and seek execution of such judgment.
16. Respondent may enter into an agreement with the Board for the payment of assessed civil penalties in installments that are due and payable beyond the date on which the assessment becomes final. Tenn. Code Ann. § 63-1-134(c). To set up a payment plan, contact the Disciplinary Coordinator by calling 615-253-2699.
17. All costs and civil penalty payments shall be paid in certified funds only (certified check, cashier's check, or money order) to the State of Tennessee, which shall be mailed or delivered to: Disciplinary Coordinator, Tennessee Department of Health, Office of Investigations, 665 Mainstream Drive, Second Floor, Nashville, Tennessee 37243.
18. A notation shall be placed on the instrument designating that it is payable for the costs and civil penalties of **Kimberly Reynolds, Case No. 201500586**.
19. A violation of this Order shall constitute a separate violation, pursuant to Tenn. Code Ann. § 63-7-115(a)(1)(G), and is grounds for further disciplinary action by the Board.

SO ORDERED this 19<sup>th</sup> day of November, 2015, by the Tennessee Board of Nursing.



Chairperson/Acting Chairperson  
Tennessee Board of Nursing

---

**RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW**

---

Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

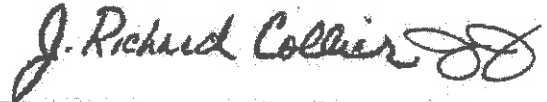
**PREPARED FOR ENTRY:**



Caroline R. Tippens, BPR #: 030375  
Assistant General Counsel  
Tennessee Department of Health  
Office of General Counsel  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243  
(615) 741-1611

**CERTIFICATE OF FILING**

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the 19<sup>th</sup> day of November, 2015.



Richard Collier, Director  
Administrative Procedures Division

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document as entered has been served upon the Respondent, Kimberly Reynolds, 24572 Brumley Gap Road, Abingdon, VA 24210, by delivering the same in the United States regular mail and United States certified mail, number 7014 3490 0000 6657 5093 return receipt requested, with sufficient postage thereon to reach its destination.

This 20<sup>th</sup> day of November, 2015.



Caroline R. Tippens  
Assistant General Counsel