

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LEIGHANN D. FLEMING, R.N.  
License Number: 0001-234908  
Case Number: 172369

RATIFICATION AND ORDER


On November 16, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. LeighAnn D. Fleming, R.N. was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.


Pursuant to Virginia Code § 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.

Since Ms. Fleming failed to appear at the informal conference, this Order shall be considered final. Ms. Fleming 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. Fleming has thirty 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 Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

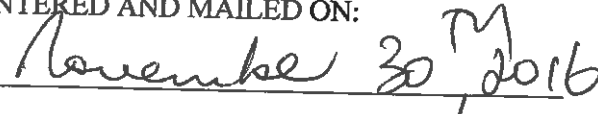
FOR THE BOARD

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

Certified True Copy

By   
Virginia Board of Nursing

ENTERED AND MAILED ON:

  
November 30, 2016

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:       LEIGHANN D. FLEMING, R.N.**  
**License Number: 0001-234908**  
**Case Number:       172369**

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on August 16, 2016 in Henrico County, Virginia, to inquire into evidence that LeighAnn D. Fleming, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Fleming did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Notice**

By letter dated July 18, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Fleming notifying her that an informal conference would be held on August 16, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The Notice sent by certified mail was returned to the Board office on July 18, 2016 marked “return to sender” and “unable to forward.” The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Fleming and the informal conference proceeded in her absence.

### **Recommended Findings of Fact and Conclusions of Law**

1. LeighAnn D. Fleming, R.N. was issued License Number 0001-234908 to practice professional nursing on December 15, 2011, which is scheduled to expire on May 31, 2017. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. By Order of the Board entered December 4, 2015 ("Board's Order"), Ms. Fleming was placed on probation for 12 months of active nursing employment, with terms and conditions. The Board's action was based on findings that Ms. Fleming was receiving mental health counseling, that she falsified notes from her physician's office in order to fraudulently obtain excused absences from work, and that she failed to make scheduled visits to six home healthcare patients.
3. Ms. Fleming violated Term Number 2 of the Board's Order, which required her to have an evaluation by a mental health specialist satisfactory to the Board and submit a written report of the evaluation within 90 days of the date of entry of the Order. There is no evidence that Ms. Fleming obtained the required evaluation or submitted the required report.
4. Ms. Fleming violated Term Number 3 of the Board's Order, which required her to have quarterly performance evaluations provided to the Board from all practice employers. At the time of the entry of the Board's Order, Ms. Fleming was employed as a professional nurse with Cumberland Hospital, New Kent, Virginia ("Cumberland") from June 2, 2014 through January 23, 2016. Ms. Fleming failed to submit any performance evaluations from Cumberland.
5. Ms. Fleming violated Term Number 4 of the Board's Order, which required her to practice only in a structured/supervised practice employment setting satisfactory to the Board for the first 12 months of probation and to have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval. Ms. Fleming failed to

provide evidence of her practice in a structured/supervised practice employment setting and failed to have her current and prospective employers submit written reports to the Board.

6. Ms. Fleming violated Term Number 6 of the Board's Order, which required her to submit written reports no later than 60 days from the date that the Order is entered and submit all subsequent reports on a quarterly basis. Ms. Fleming failed to submit any reports, as noted in Findings of Fact Numbers 4, 5 and 9.

7. Ms. Fleming violated Term Number 7 of the Board's Order, which required her to notify the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. On December 14, 2015, during the course of her employment with Cumberland, Ms. Fleming went on extended leave. On January 23, 2016, Ms. Fleming's employment with Cumberland was terminated when she failed to return from extended leave. Ms. Fleming failed to notify the Board of her extended leave and failed to notify the Board of her termination.

8. Ms. Fleming violated Term Number 8 of the Board's Order, which required her to inform all current and future practice employers that the Board has placed her on probation and provide each practice employer with a complete copy of the Order. Cumberland reported to the Department of Health Professions that while Ms. Fleming was out on extended leave, they discovered that the Board had taken action on her nursing license. Ms. Fleming had not informed Cumberland of her probationary status or provided them a copy of the Board's Order.

9. Ms. Fleming violated Term Number 10 of the Board's Order, which required her to submit quarterly self-reports. Ms. Fleming failed to submit any quarterly self-reports.

10. Ms. Fleming never contacted her compliance case manager or the Board after being placed on probation.

### Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. LeighAnn D. Fleming is REPRIMANDED.
2. The license issued to LeighAnn D. Fleming to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
3. The license of LeighAnn D. Fleming will be recorded as SUSPENDED.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. Should LeighAnn D. Fleming seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on LeighAnn D. Fleming to demonstrate that she is safe and competent to return to the practice of professional nursing. LeighAnn D. Fleming 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.

Reviewed and approved on September 28, 2016  
By Allison Gregory, M.S., R.N., F.N.P.-B.C.  
Agency Subordinate

Certified True Copy

By   
Virginia Board of Nursing