

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LEIGH ANN FLEMING, R.N.
 License No.: 0001-234908**

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 August 4, 2015, in Henrico County, Virginia. Leigh Ann Fleming, R.N., was present and was not represented by counsel. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 18, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Fleming was not present nor was she represented by legal counsel.

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. Leigh Ann Fleming, R.N., was issued License No. 0001-234908 to practice professional nursing in Virginia on December 15, 2011. The license is scheduled to expire on May 31, 2017. Ms. Fleming's primary state of residence is Virginia.

2. By letter dated April 24, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Fleming notifying her that an informal conference would be held on May 26, 2015. The Notice was sent by certified and first class mail to 2015 Wood Avenue, Hampton, Virginia, 23664, the address of record on file with the Board of Nursing. On May 26, 2015, the Board granted Ms. Fleming's request for a continuance and rescheduled the informal conference for August 4, 2015.

3. During the course of her employment with Coliseum Convalescent and Rehabilitation Center, Hampton, Virginia, Ms. Fleming falsified notes from her physician's office on March 13 and 17, 2014, in order to fraudulently obtain excused absences from work.

4. Ms. Fleming admitted at the informal conference that the notes were falsified but denied that she had falsified them and provided no further explanation. Her employment with Coliseum Convalescent and Rehabilitation Center was terminated. She had been counseled on at least two prior occasions for issues with patient care and documentation.

5. During the course of her employment with Karya Home Care, Inc., Williamsburg, Virginia, between August 14, 2014, and August 15, 2014, Ms. Fleming failed to make scheduled visits to six patients to whom she was assigned. Further, she failed to make any alternative arrangements or notify Karya Home Care that the patients had not been seen as scheduled.

6. Ms. Fleming stated that she had to leave town suddenly for a family emergency and failed to follow up with her employer as instructed by the supervisor. Her employment with Karya Home Care was terminated. Ms. Fleming subsequently failed to return company-owned equipment to Karya as requested.

7. On her September 18, 2013, application for employment with Coliseum Convalescent and Rehabilitation Center, Ms. Fleming falsely stated that her reason for leaving Eastern State Hospital, where she had worked from October 2011 through January 2013, was "pregnancy/gave birth." In fact, Ms. Fleming's employment with Eastern State Hospital had been terminated on October 26, 2012, for excessive absences.

8. Ms. Fleming stated that she was in an abusive relationship for seven years and currently has a protective order against her abuser, who is also the father of her children. She is currently in therapy at Hampton Mental Health Associates, where she has been seen twice and is prescribed Xanax

and Ambien. Ms. Fleming also stated that she suffers from a congenital heart defect for which she takes four medications. Ms. Fleming stated that she does not consume alcohol or use illegal drugs.

9. Ms. Fleming stated at the informal conference that she has been employed at Cumberland Hospital since June 2014. She stated that her current employer was not aware of the current proceedings. She stated that she has had one write-up for tardiness and denied other counselings. She stated that she earned a satisfactory rating on her performance evaluation.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.

3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

ORDER

WHEREFORE, it is hereby ORDERED that Leigh Ann Fleming, R.N., shall be placed on PROBATION for 12 months of active nursing employment subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Fleming has completed 12 months of active practice in employment as a professional nurse (“practice employment”). The license of Ms. Fleming shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding 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.

2. Ms. Fleming shall have an evaluation by a mental health specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 90 days from the date this Order is entered. Ms. Fleming shall comply with any recommendations of the specialist. If therapy is recommended, written progress reports by the therapist shall be sent to the Board until Ms. Fleming is discharged from therapy. Ms. Fleming shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

3. Performance Evaluations shall be provided to the Board, at the direction of Ms. Fleming, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.

4. Ms. Fleming shall practice only in a structured/supervised practice employment setting satisfactory to the Board for the first 12 months of probation. This employment setting shall provide on-site supervision by a physician/licensed nurse practitioner/professional nurse, who works on the same level of the building, and holds an unrestricted license. For all current practice employment, and before beginning or changing practice employment during this period, Ms. Fleming shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

5. Ms. Fleming shall return all copies of her license to practice as a professional nurse within ten days of the date of entry of this Order, along with payment of a duplicate license fee as specified in the regulations governing nursing. Upon receipt, the Board shall issue a replacement professional nurse license marked "Valid in Virginia Only; Probation with Terms."

6. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) 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.

7. Ms. Fleming shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Fleming shall provide a contact name, address, and phone number for each practice employer to the Board.

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

9. Ms. Fleming shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any/or consultants designated by the Board, if applicable.

10. Ms. Fleming shall submit “Self-Reports” which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports must be submitted whether Ms. Fleming has current practice employment or not.

11. Ms. Fleming shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

12. 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

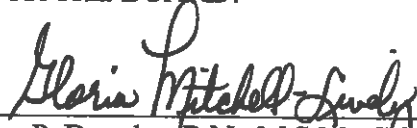
suspending or revoking the license of Ms. Fleming, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

13. This Order is applicable to Ms. Fleming's multistate nursing licensure privileges, if any, to practice professional in the Commonwealth of Virginia. For the duration of this Order, Ms. Fleming shall not practice outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the express written permission of both 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 § 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Fleming may, not later than 5:00 p.m., on January 6, 2015, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., F.R.E., 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 BOARD:


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

ENTERED: December 4, 2015

This Order shall become final on January 6, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing