

Board's Order required Ms. Swaffield, beginning 45 days from the entry of the Order, to submit to six random, unannounced, observed drug screens over a 90-day period. The Board deferred conclusions of law and a final disposition of the matter pending receipt of the results of the drug screens. The Board's Order further provided that any violation of its terms would be reason for revoking Ms. Swaffield's license.

4. In February, 2009, Ms. Swaffield sought an extension of time to have the first drug screen report submitted. By a letter from the Board dated March 3, 2009, said request was granted with the first drug screen report to be submitted by March 19, 2009. On April 20, 2009, drug screen reports were received for drug screens submitted to on February 25, 2009, and March 4, 2009.

5. Between March and June, 2009, Ms. Swaffield failed to call the drug test line 19 times. She missed two scheduled screens during this period.

6. Between February and September, 2009, Ms. Swaffield submitted to six screens, five of which were positive for Tramadol and two of which were positive for oxycodone/oxymorphone (Schedule II). Ms. Swaffield did have prescriptions for these medications. However, she did not comply with a request from the Board's Compliance Case Manager to provide information from her prescribing physicians regarding the purpose of these prescriptions.

7. In August, 2009, Ms. Swaffield requested an extension of time to have the final drug screen report submitted. Ms. Swaffield was granted an extension with the final drug screen report to be submitted by September 27, 2009. On October 23, 2009, a drug screen report was received for a drug screen submitted to on September 3, 2009.

8. A prescription monitoring profile conducted on June 26, 2009, revealed that since May, 2008, Ms. Swaffield had received a total of 46 prescriptions for Morphine Sulfate (Schedule II), Percocet (oxycodone, Schedule II), Darvocet (Schedule IV), and Xanax (alprazolam, Schedule IV) from approximately ten providers. Twenty-three prescriptions were filled at four different pharmacies in two different towns during that period.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 5 and 6 constitute violations of Term No. 1 of the Board's Order.
2. The Board concludes that based on the Findings of Fact contained in the prior Board's Order, and on Findings of Fact Nos. 6 and 8, Ms. Swaffield is in violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The right of Gina Swaffield, to renew License No. 0001-210210 to practice as a professional nurse in the Commonwealth of Virginia is hereby REVOKED.
2. The license of Ms. Swaffield will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Swaffield seek reinstatement of her license after three years, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice. The reinstatement of Ms. Swaffield's license shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
3. At such time as Ms. Swaffield shall petition the Board for reinstatement of her license, a hearing will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.
4. This Order shall be applicable to Ms. Swaffield's multistate licensure privileges, if any, to practice nursing in the Commonwealth of Virginia.

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.

FOR THE BOARD



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

May 4th, 2010

ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.