

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           GINA R. SWAFFIELD, R.N. REINSTATEMENT APPLICANT**  
**License No.: 0001-210210**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 21, 2015, in Henrico County, Virginia, to receive and act upon Ms. Swaffield's application for reinstatement of her license to practice professional nursing in Virginia, which was revoked by Order of the Board entered on May 4, 2010, and to inquire into evidence that Ms. Swaffield may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Amy E. Weiss, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Swaffield was present and was represented by Dan Frith, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Gina R. Swaffield was issued License No. 0001-210210 to practice professional nursing in the Commonwealth of Virginia on November 9, 2007. Said license was revoked by Order of the Board dated May 4, 2010. Ms. Swaffield holds License No. RN3084942 to practice professional nursing in Florida. Said license was suspended by Order of the Florida Board of Nursing dated December 19, 2011. Ms. Swaffield holds License No. RN00125024 to practice professional nursing in Washington. Said license was suspended by Order of the Washington Board of Nursing dated September 17, 2011. Ms. Swaffield's primary state of residence is Florida.
2. Ms. Swaffield submitted an application for reinstatement of her license to practice

professional nursing in the Commonwealth of Virginia, which was received by the Board on November 14, 2014.

3. Ms. Swaffield has a long history of substance abuse, as evidenced by the following:

a. Ms. Swaffield received outpatient substance abuse treatment at a facility in Florida from 2011 through 2012. Ms. Swaffield relapsed on two occasions during the program and continued to abuse substances including alcohol, opiates, and cocaine until approximately January 2014.

b. Ms. Swaffield received intensive outpatient substance abuse treatment at a facility in Florida from January 20, 2014 through July 28, 2014.

c. Ms. Swaffield entered into a Monitoring Contract with the Florida Intervention Project for Nurses ("IPN") on July 1, 2014.

4. Ms. Swaffield's license to practice nursing in the states of Florida and Washington have been subject to discipline, as evidenced by the following:

a. On April 25, 2011, the State of Florida Board of Nursing entered a Final Order suspending Ms. Swaffield's license as a registered nurse until Ms. Swaffield personally appears before the Board and can demonstrate the present ability to engage in the safe practice of nursing and can provide proof of a clear and active Virginia Nursing license. Said action was based upon the May 4, 2010, Order of the Virginia Board of Nursing.

b. On December 19, 2011, the State of Florida Board of Nursing entered a Final Order suspending Ms. Swaffield's license as a registered nurse until Ms. Swaffield personally appears before the Board and can demonstrate the present ability to engage in the safe practice of nursing. Said action was based upon Ms. Swaffield's exclusion from participation in Medicare, Medicaid, and all Federal health care programs on December 20, 2010.

c. On September 17, 2011, the State of Washington Department of Health Nursing Care Quality Assurance Commission entered a Stipulated Findings of Fact, Conclusions of Law and Agreed Order

suspending Ms. Swaffield's license to practice as a registered nurse. Said action was based upon the May 4, 2010, Order of the Virginia Board of Nursing.

5. Ms. Swaffield admitted she is an addict and testified that she has been clean for 18 months. She is involved in the Florida Intervention Project for Nurses. She told the Board that her date of sobriety is January 3, 2014, and that she has a solid support group consisting of her family, her home group, and her sponsor.

6. When asked what is different in her life than in 2010, Ms. Swaffield discussed her participation in NA and her outpatient treatment at Turning Point Center in Florida. She said that she now has a better understanding of her addiction, and she is fully committed to her recovery and getting her life on track.

7. Ms. Swaffield testified that if she receives her Virginia license, she hopes Florida will reinstate her license so she may return to work under her IPN contract.

8. Ms. Swaffield has not practiced since 2011 but provided evidence of many continuing education credits.

### CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Findings of Fact No. 4 constitutes a violation of § 54.1-3007(7) of the Code.

### ORDER

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

1. By affirmative vote of at least three-fourths of the members of the Board at the hearing, the license of Gina R. Swaffield to practice professional nursing in the Commonwealth of Virginia is hereby REINSTATED.

2. License No. 0001-210210 issued to Gina R. Swaffield, R.N. to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon the condition that she remain compliant with the terms of the Florida IPN and the following terms and conditions:

a. Ms. Swaffield shall comply with all terms and conditions for the period specified by the IPN.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Swaffield, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Swaffield is not in compliance with the terms and conditions specified by the IPN, or has been terminated from participation in the IPN, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

3. Upon receipt of evidence of Ms. Swaffield's participation in and successful completion of the terms specified by the IPN, the Board, at its discretion, may waive Ms. Swaffield's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

4. Ms. Swaffield shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

5. This Order shall be applicable to Ms. Swaffield's multistate privileges, if any, to practice professional nursing.

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*  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

*June 29, 2015*  
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, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, 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.

Certified True Copy

By *Dr. Graham*  
Virginia Board Of Nursing