



COMMONWEALTH of VIRGINIA

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Director

Department of Health Professions

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Virginia Board of Nursing
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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

September 12, 2008

Gina Renee Swaffield, R.N.
9 Main Street #1
Warrenton, Virginia 20186

CERTIFIED MAIL
71603901984534255031

RE: VA License No.: 0001-210210
Expiration Date: August 31, 2009

Dear Ms. Swaffield:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **October 7, 2008 at 2:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically, you may have violated § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations in that, during the course of your employment with Culpeper Regional Hospital, Culpeper, Virginia, on several occasions from on or about May 16, 2008 through May 30, 2008, your diverted Dilaudid (Hydromorphone Hydrochloride, Schedule II), morphine (Schedule II), and Demerol (Meperidine Hydrochloride, Schedule II) for your own personal and unauthorized use during the course of your care of several patients in the emergency department. More specifically:

a. You withdrew Dilaudid for Patient A per a physician's order at 1:07 a.m. on May 30, 2008, but you failed to record administration of Dilaudid in the patient's medical record.

b. You withdrew Dilaudid for Patient B per a physician's order at 11:53 p.m. on May 29, 2008, but you failed to record administration of Dilaudid in the patient's medical record.

c. You withdrew Dilaudid for Patient C without a physician's order at 9:44 p.m. on May 27, 2008, following his discharge from the emergency department at 6:38 p.m., and you failed to record administration of Dilaudid in the patient's medical record.

d. You withdrew a total of 8 mg morphine for Patient D from the Pyxis per a physician's order at 10:23 p.m. on May 16, 2008, but you recorded administration of only 4 mg morphine in the patient's medical record and failed to document wastage of the remaining 4 mg.

e. You withdrew 100 mg Demerol for Patient E per a physician's order at 7:49 p.m. on May 19, 2008, and you recorded administration of 20 mg Demerol, but failed to waste 80 mg Demerol in the Pyxis. You documented in the medical record that the patient did not want too much pain medication until she got transferred out of the emergency department to a unit in the hospital.

f. You withdrew a total of 6 mg Dilaudid for Patient F per a physician's order at 7:56 p.m., 9:26 p.m. and 11:05 p.m. on May 20, 2008 and 2 additional mg at 12:52 a.m. on May 21, 2008, but you recorded administration of only 2 mg Dilaudid in the patient's medical record and failed to document wastage of the remaining 6 mg.

g. You withdrew 2 mg Dilaudid for Patient G per a physician's order at 11:31 p.m. on May 22, 2008, but you failed to record administration of Dilaudid in the patient's medical record.

h. You withdrew a total of 10 mg Dilaudid for Patient H per a physician's order at 7:15 p.m., 7:31 p.m., 8:23 p.m., 9:30 p.m. and 9:54 p.m. on May 27, 2008, but you failed to record administration of 2 mg of the 10 mg Dilaudid in the patient's medical record or to document wasting it.

Please see Attachment A for the names of the patients referenced above.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Intervention Program ("HPIP"), which is available to all health care practitioners licensed in Virginia. A brochure about the HPIP is enclosed. Should you enter into a written agreement with the HPIP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

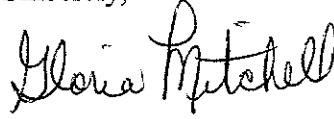
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by September 30, 2008. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on October 7, 2008. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on September 30, 2008. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after September 30, 2008 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office at (804) 367-4515.

Sincerely,

A handwritten signature in black ink that reads "Gloria Mitchell". The signature is written in a cursive style with a large initial "G" and "M".

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions
Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Carolyn R. McKann, Adjudication Specialist
Allan McDonald, Senior Investigator (Case no. 120435)
Agency Subordinate
Peggy Wood, Intervention Program Manager