

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ALETHIA F. UWANDU, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-059284

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 20, 2015, in Henrico County, Virginia, to receive and act upon the application of Alethia F. Uwandu for reinstatement of her license to practice practical nursing in Virginia, which was mandatorily suspended by the Department of Health Professions on July 18, 2003, and to inquire into evidence that Ms. Uwandu may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. James E. Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Uwandu was present and was not represented by legal counsel. 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. Alethia F. Uwandu was issued License No. 0002-059284 to practice practical nursing in the Commonwealth of Virginia on October 15, 1999. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on July 18, 2003. Ms. Uwandu also holds License No. LP37933 to practice practical nursing in the State of Maryland, which expired on February 28, 2012. Ms. Uwandu declared that Virginia is her primary state of residence.
2. Ms. Uwandu submitted an application for reinstatement of her license to the Board on February 13, 2015.
3. On June 3, 2003, in the Circuit Court of Stafford County, Virginia, Ms. Uwandu was

convicted of felony welfare fraud. Said conviction formed the basis of the mandatory suspension of her license to practice practical nursing. Ms. Uwandu was sentenced to five years incarceration, suspended, and placed on supervised probation for an indefinite period, not to exceed five years. She was also ordered to pay restitution to the Department of Social Services in the amount of \$6,261.00 and pay \$405.00 court costs. Ms. Uwandu provided documentation of submitting \$100.00 of restitution and court costs.

4. On September 2, 2003, in the Circuit Court of Stafford County, Virginia, Ms. Uwandu was convicted of felony child neglect. Ms. Uwandu was sentenced to one year incarceration, suspended, and ordered to pay \$405.00 court costs. Ms. Uwandu did not provide documentation of paying the court costs.

5. On the application for reinstatement of her license to practice practical nursing in Virginia dated February 10, 2015, Ms. Uwandu failed to disclose all of her employers since her license was suspended, including Loving Care Nursing, Pikesville, Maryland, from July 2004 to October 2007.

6. On the application for reinstatement of her license to practice practical nursing in Virginia dated November 16, 2010, Ms. Uwandu failed to disclose all of her employers since her license was suspended, including Supplement Health/THI, Baltimore, Maryland, in February 2004.

7. In 2004, 2005 and 2006, Ms. Uwandu failed to disclose her criminal convictions and the suspension of her Virginia license when renewing her practical nursing license with the Maryland Board of Nursing.

8. During the course of her employment with Nursefinders, Manassas, Virginia, while on assignment at Warrenton Overlook Health and Rehabilitation, on October 11, 2002, Ms. Uwandu signed for the delivery of 30 Oxycontin 10mg tablets (C-II) and placed the medication and the narcotic control count sheet in an unsecured location, and the medications were subsequently diverted. Ms. Uwandu testified that she never diverted narcotics. Ms. Uwandu submitted urine screens after the incident that were negative.

9. Ms. Uwandu still owes approximately \$6,022.00 in costs, fines, and restitution for her felony convictions. The deputy clerk of the Stafford County Circuit Court stated in an interview with a DHP

investigator that she is making monthly payments. Ms. Uwandu testified that she has matured since the incidents that resulted in her convictions.

10. Ms. Uwandu testified that she reads and watches videos to maintain her competency. Ms. Uwandu submitted nursing continuing education course certificates that are dated 2009 and 2010. Ms. Uwandu stated that she completed more courses, but did not submit documentation of completing the courses. She expressed her intent to go to school to obtain a degree in professional nursing. Ms. Uwandu testified that she is currently a student at Midamerica Christian University. She further testified that she is a volunteer and certified CPR instructor at Lord Fairfax EMS Council in Winchester, Virginia. Ms. Uwandu had applied for reinstatement on two prior occasions. She testified that she withdrew her applications because she was fearful.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(4) of the Code.
2. Findings of Fact Nos. 5, 6 and 7 constitute a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing.
3. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(5) of the Code.
4. Alethia F. Uwandu has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner with certain restrictions.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0002-059284, issued to Alethia F. Uwandu to practice practical nursing in the Commonwealth of Virginia, be and hereby is REINSTATED on PROBATION for not less than two years of actual 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 Alethia F. Uwandu has completed two years of active employment as a licensed practical nurse. The license of Ms. Uwandu 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. Performance Evaluations shall be provided to the Board, at the direction of Ms. Uwandu, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.

3. Ms. Uwandu shall practice only in a structured, supervised practice employment setting satisfactory to the Board. This employment setting shall provide on-site supervision by a physician, licensed nurse practitioner, professional nurse or licensed practical nurse, who works the same shift, 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. Uwandu shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

4. Ms. Uwandu shall enroll in and successfully complete a Board-approved refresher course or extensive orientation course within 180 days from the date this Order is entered and shall not practice until she has provided written evidence to the Board of satisfactory completion of said courses and has received permission from the Board to do so.

5. The Board shall issue a licensed practical 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 office 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. Many of the required report forms are available on the Board's website for your convenience.

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

8. Ms. Uwandu shall inform all current and future practice employers that the Board has placed her on probation and Ms. Uwandu shall provide each practice employer with a complete copy of this Order.

9. Ms. Uwandu 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 consultants designated by the Board, if applicable.

10. Ms. Uwandu 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 and the status of repayment of any court costs or restitution. Self-Reports must be submitted whether Ms. Uwandu has current practice employment or not.

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

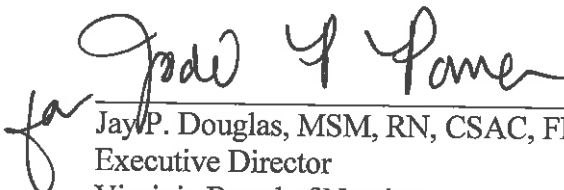
12. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Uwandu, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

13. This Order is applicable to Ms. Uwandu's multistate nursing licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Uwandu 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 §§ 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

for 

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

June 19, 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.