

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LENA S. GWALTNEY, L.P.N.
License No.:0002-043576**

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 November 12, 2014, in Henrico County, Virginia. Lena S. Gwaltney, L.P.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Gwaltney 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. Lena S. Gwaltney, L.P.N., was issued License No. 0002-043576 to practice practical nursing in Virginia on November 21, 1990. The license is scheduled to expire on June 30, 2015. Ms. Gwaltney's primary state of residence is Virginia.

2. By letter dated October 20, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gwaltney notifying her that an informal conference would be held on November 12, 2014. The Notice was sent by certified and first class mail to P. O. Box 123, LaCrosse, Virginia 23950, the address of record on file with the Board of Nursing. The Notice sent by certified mail

was accepted by H. Edwards on October 21, 2014. As of November 12, 2014, the Notice sent by first class mail had not been returned to the Board Office. The Agency Subordinate concluded that adequate notice was provided to Ms. Gwaltney and the informal conference proceeded in her absence.

3. By her own admission, Ms. Gwaltney has been diagnosed with Bipolar Disorder and Post Traumatic Stress Disorder. Between December 3, 2012 and July 16, 2013, she was admitted to Southern Virginia Regional Medical Center three times for treatment of mental illness. On February 15, 2014, Ms. Gwaltney was admitted to The Life Center of Galax, Galax, Virginia, for treatment of alcohol abuse.

4. During the course of her employment with Corizon, Brentwood, Tennessee, assigned to Lunenburg Correctional Center, Lunenburg, Virginia, Ms. Gwaltney developed inappropriate relationships with two inmates in the facility. She wrote letters to one inmate that included sexual content and she provided another inmate with contraband.

5. Ms. Gwaltney admitted to the investigator for the Department of Health Professions that she exchanged notes of a sexual nature with an inmate, but denied that she had a sexual relationship with him.

6. Ms. Gwaltney stated that she has not been employed since she resigned during the investigation from Corizon in May 2013. Ms. Gwaltney stated that she is not safe to practice practical nursing due to her mental illness. She is currently on permanent disability, and does not anticipate returning to nursing in the foreseeable future.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(1) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-042576 of Lena S. Gwaltney to practice practical nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Gwaltney shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Gwaltney shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice practical nursing.

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.

Since Ms. Gwaltney failed to appear at the informal conference, this Order shall be considered final. Ms. Gwaltney has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Gwaltney has 30 days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD

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

Entered: February 9th 2015

Certified True Copy

By *[Signature]*
Virginia Board of Nursing