

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: HUGH J. McLINDEN, IV, R.N. REINSTATEMENT APPLICANT
 LICENSE NO.: 0001-150700**

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 16, 2012, in Henrico County, Virginia, to receive and act upon the application of Hugh J. McLinden, IV, for reinstatement of his license to practice professional nursing in Virginia, which was revoked by Order of the Board entered on December 12, 2006. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. McLinden was present and was represented by Scott Ives, 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. Hugh J. McLinden, IV, was issued License No. 0001-150700 to practice professional nursing in the Commonwealth of Virginia on September 19, 1996. Said license was revoked by Order of the Board entered on December 12, 2006, due to substandard care provided to two patients while employed at INOVA Mt. Vernon Hospital. His primary state of residence is Virginia.
2. Mr. McLinden submitted an application for reinstatement of his license to the Board on April 14, 2011.

1. The period of probation shall begin on the date that this Order is entered and shall continue Indefinitely. After one year of active employment as a professional nurse, Mr. McLinden may request that the Board end this probation.
2. Mr. McLinden shall inform the Board in writing within ten days of the date he begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Mr. McLinden shall provide the name and address of each employer to the Board.
3. Mr. McLinden shall inform his current nursing employer and each future nursing employer that the Board has placed him on probation and shall provide each employer with a complete copy of this Order. If Mr. McLinden is employed through a staffing agency, he shall inform his supervisor in each facility where assigned that he is on probation.
4. Performance Evaluations shall be provided, at the direction of Mr. McLinden, by all nursing employer(s), as provided by the Compliance Manager. The first report must be 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.
5. Mr. McLinden shall enroll in and successfully complete a Board-approved refresher course and extensive orientation with a preceptor and shall not practice until he has provided written evidence to the Board of satisfactory completion of said courses and has received permission from the Board to do so.
6. Mr. McLinden shall practice nursing only in a structured, supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site supervision by a professional nurse, who works on the same level of the building, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Mr. McLinden shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

7. Mr. McLinden shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be 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.

8. The Board shall issue a license marked "Valid in Virginia Only; Probation with Terms."

9. Mr. McLinden shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of Nursing.

10. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Hugh J. McLinden, IV, and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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

Certified True Copy

By *Kush Blarck*
Virginia Board of Nursing

June 5, 2012
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, 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.