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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: HUGH J. MCLINDEN, IV, R.N.
License No.: 0001-150700

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Hugh Joseph McLinden, IV, R.N., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. McLinden's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Hugh J. McLinden, IV, R.N., was issued License No. 0001-150700 to practice professional nursing by the Virginia Board of Nursing on September 19, 1996. Said license is set to expire on March 31, 2015. Mr. McLinden's primary state of residence is Virginia.
2. By Order entered June 5, 2012 ("Board's Order"), the Board placed Mr. McLinden on probation for one year of active nursing practice.
3. Term No. 5 of the Board's Order required Mr. McLinden to successfully complete a Board-approved refresher course and extensive orientation with a preceptor and to refrain from practice until he has provided written evidence to the Board of satisfactory completion of said courses and has received permission to do so. On September 4, 2014, Mr. McLinden provided evidence to the Board that he has enrolled in the *RN Return to Practice* course through the George Mason University Office of Continuing Education. The course began September 20, 2014 and is scheduled to end on October 11, 2014.
4. Term No. 7 of the Board's Order required Mr. McLinden to submit quarterly self-reports. Mr. McLinden failed to submit self-reports in a timely manner. Mr. McLinden submitted self-reports due August

4, 2012 and September 30, 2012 on December 27, 2012 and he submitted the self-report due December 31, 2012 on December 4, 2012. The self-report due September 30, 2014, was received August 18, 2014, and the self-reports due March 31, 2013, June 30, 2013, September 30, 2013, December 31, 2013, and March 31, 2014, were received September 12, 2014. The Board has not received the self-report due June 30, 2014.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of Term No. 7 of the Board's Order.

CONSENT

Hugh J. McLinden, IV, R.N., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against him;
4. He waives all such right to an informal conference;
5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS that:

1. Hugh J. McLinden, IV, R.N. is hereby REPRIMANDED.

2. License No. 1401-150700 issued to Hugh J. McLinden, IV, to practice as a professional nurse in the Commonwealth of Virginia be and hereby is CONTINUED ON INDEFINITE PROBATION under the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall continue Indefinitely. After 18 months of active practice employment as a professional nurse, Mr. McLinden may request that the Board end this probation.

b. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the report(s) 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.

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

d. Mr. McLinden shall inform all current and future practice employers that the Board has placed him on probation under terms and conditions and Mr. McLinden shall provide each practice employer with a complete copy of this Order. Mr. McLinden is employed through a staffing agency, he shall inform his supervisor in each facility where assigned that he is on probation under terms and conditions.

e. Performance Evaluations shall be provided to the Board, at the direction of Mr. McLinden, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.

f. 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.

g. Mr. McLinden shall practice only in a structured, supervised practice employment setting satisfactory to the Board for the first 18 months of probation. This employment setting shall provide on-site supervision by a professional nurse, who works the same shift/ works 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, Mr. McLinden shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

h. Mr. McLinden shall continue to 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. Self Reports must be submitted whether Mr. McLinden has current practice employment or not.

i. Mr. McLinden’s license shall remain marked “Valid in Virginia Only; Probation with Terms.”

j. Mr. McLinden shall conduct himself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.

3. 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 Mr. McLinden, and an administrative proceeding may be held to determine whether his 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 upon request.

FOR THE BOARD

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

ENTERED: October 21, 2014

SEEN AND AGREED TO:

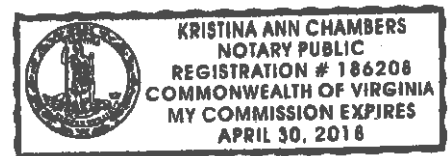
Hugh Joseph McLinden IV
Hugh J. McLinden, IV, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Fairfax, TO WIT:

Subscribed and sworn to before me, Kristina Chambers, a Notary Public, this 8th day of October, 2014.

My commission expires _____.

Registration Number _____.



Kristina Chambers
NOTARY PUBLIC

Certified True Copy

By [Signature]
Virginia Board of Nursing