

VIRGINIA:

BEFORE THE JOINT BOARDS OF NURSING AND MEDICINE

IN RE: NANCY SWICK, L.N.P. REINSTATEMENT APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Nancy Swick as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Swick's application for reinstatement of her license to practice as a nurse practitioner in the Commonwealth of Virginia.

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

FINDINGS OF FACT

1. Nancy Swick, was issued License No. 0024-169570 to practice as a nurse practitioner by the Committee of the Joint Boards on August 2, 2011. Said license was suspended by an Order of the Board entered September 17, 2014. Ms. Swick currently holds licenses to practice as a professional nurse in Virginia, Pennsylvania and Maryland. Ms. Swick's primary state of residence is Pennsylvania.
2. By Order of the Committee of the Joint Boards entered September 17, 2014, Ms. Swick's right to renew her license to practice as a nurse practitioner and prescriptive authority were indefinitely suspended. Said suspension was stayed upon proof of entry into the Health Practitioners' Monitoring Program ("HPMP"), or a similar monitoring program in Pennsylvania. Thereafter, Ms. Swick was ordered to remain compliant with all terms and conditions of the program.
3. By Order of the State Board of Nursing of the Commonwealth of Pennsylvania dated October 23, 2014, Ms. Swick's licenses to practice as a certified registered nurse practitioner and as a registered nurse in the Commonwealth of Pennsylvania were suspended. The suspension was stayed contingent upon three

years of probation and subject to compliance with Pennsylvania's Professional Health Monitoring Programs ("PHMP"), Disciplinary Monitoring Unit ("DMU").

4. Ms. Swick submitted an application for reinstatement of her license to practice as a nurse practitioner in Virginia which was received by the Committee of the Joint Boards on September 16, 2015.

5. Ms. Swick entered the PHMP, and by letter dated February 6, 2015, the PHMP informed Ms. Swick that she has her DMU case manager's permission to return to active practice as a certified registered nurse practitioner. Ms. Swick is currently in compliance with the terms of the PHMP.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of §54.1-3007(6) of the Code of Virginia (1950), as amended ("Code").
2. Ms. Swick otherwise meets the requirements of §54.1-2957 of the Code.

CONSENT

Nancy Swick, by affixing her signature hereon, agrees to the following:

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

6. She consents to the entry of the following Order affecting her application for reinstatement of her license to practice as a nurse practitioner in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Committee of the Joint Boards of Nursing and Medicine, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS that the application of Nancy Swick for reinstatement of her license to practice as a nurse practitioner is APPROVED. Ms. Swick shall be issued a license to practice as a nurse practitioner in the Commonwealth of Virginia under the following terms and conditions:

1. Ms. Swick shall remain in compliance with Pennsylvania's Professional Health Monitoring Programs ("PHMP") for the term specified by the PHMP and the Pennsylvania Board Order, or shall enter into the Virginia Health Practitioners' Monitoring Program ("HPMP") and shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Swick, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Swick shall be noticed to appear before the Board at such time as the Board is notified that:
 - b. She is not in compliance with the terms and conditions of the PHMP or the HPMP, or has been terminated from participation in the PHMP or the HPMP;
 - c. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
 - d. She has successfully completed the above-referenced period of participation in the PHMP or the HPMP. However, upon receipt of evidence of Ms. Swick's participation in and compliance with the PHMP or the HPMP, the Committee of the Joint Boards, at its discretion, may waive Ms. Swick's appearance before the Committee of the Joint Board's and conduct an administrative review of this matter.

3. Ms. Swick shall maintain a course of conduct in her capacity as a nurse practitioner commensurate with the requirements of §§ 54.1-2900 *et seq.* and 54.1-3000 *et seq.* of the Code and the Board of Nursing and the Board of Medicine Regulations.

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 COMMITTEE OF THE JOINT BOARDS

Jay Douglas
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing
ENTERED: January 6^M, 2016

SEEN AND AGREED TO:

Nancy Swick
Nancy Swick

COMMONWEALTH OF ~~VIRGINIA~~, Pennsylvania
COUNTY/CITY OF Allegheny, TO WIT:

Subscribed and sworn to before me, Amy Kelley, a Notary Public, this 18 day of December, 2015.

My commission expires July 20 2018.

Registration Number 1256991

Amy Kelley
NOTARY PUBLIC

Certified True Copy
By M. Baur
Virginia Board of Nursing

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Amy Kelley, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires July 20, 2018
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES