

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**KIM H. G. WYNN, R.N. REINSTATEMENT APPLICANT
LICENSE NO.: 0001-141448**

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 November 16, 2011, in Henrico County, Virginia, to receive and act upon Kim H. G. Wynn's application for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by Order of the Department of Health Professions entered July 27, 2011, and to inquire into evidence that Ms. Wynn may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Wynn was present and was represented by Lois Manes, 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. Kim H. G. Wynn, R.N., was issued License 0001-141448 to practice professional nursing in the Commonwealth of Virginia on December 30, 1994. Said license was mandatorily suspended by Order of the Department of Health Professions entered July 27, 2011, based upon receipt of the Consent for Entry of Voluntary Surrender in the State of Arizona, entered on July 12, 2011. Ms. Wynn's primary state of residence is Virginia.

2. Ms. Wynn submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on August 9, 2011.

3. On July 12, 2011, Ms. Wynn voluntarily surrendered her license to practice professional nursing in the State of Arizona in lieu of proceeding to a formal hearing. Specifically, by signing the Consent for Entry of Voluntary Surrender, Ms. Wynn admitted that on June 29, 2008, while employed with Mercy Gilbert Medical Center, Gilbert, Arizona, she failed to reassess a patient after administering morphine, failed to record the patient's critically low blood pressure and low oxygen level, and failed to note the changes in the patient's vital signs and report the changes to the patient's physician and oncoming nurse.

4. Following her resignation in lieu of termination from Mercy Gilbert Medical Center, in July 2008, Ms. Wynn was employed in four medical facilities, most recently Eastern State Hospital in Williamsburg, Virginia, beginning in April, 2011, until the mandatory suspension of her Virginia nursing license in July, 2011.

5. In September, 2011, Ms. Wynn completed nine contact hours of continuing education courses, none of which were related to documentation.

6. Ms. Wynn's charge nurse at Eastern State Hospital testified favorably on her behalf. Ms. Wynn testified that she now recognizes the need to better document her assessments and observations of her patients.

7. Ms. Wynn did not fully disclose her Arizona licensure status when she applied for employment with Eastern State Hospital.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5), (7) and (8) of the Code.

2. Ms. Wynn has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

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. 0001-141448 issued to Kim H. G. Wynn to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED on INDEFINITE PROBATION for not less than one year 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 continue indefinitely. After one year of active employment as a professional nurse, Ms. Wynn may request that the Board end this probation.
2. Ms. Wynn shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Wynn shall provide the name and address of each employer to the Board.
3. Ms. Wynn 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 the same shift, 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, Ms. Wynn shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.
4. Ms. Wynn shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Wynn is employed through a staffing agency, she/he shall inform her supervisor in each facility where assigned that she is on probation.

5. Performance Evaluations shall be provided, at the direction of Ms. Wynn, by all nursing employer(s), as provided by the Compliance Division. 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.

6. Ms. Wynn shall provide evidence that she has completed the following NCSBN online courses within 60 days of entry of the Order: Documentation: A Critical Aspect of Client Care and Medication Errors: Detection & Prevention.

7. Ms. Wynn 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. This Order shall be applicable to Ms. Wynn's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Wynn may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

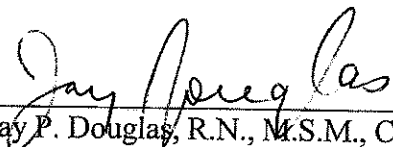
9. The Board shall issue a license marked "Valid in Virginia Only; Probation with Terms."

10. Ms. Wynn shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.


11. 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 Ms. Wynn 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



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



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.