

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LETHIA BAUM, R.N. REINSTATEMENT APPLICANT
a/k/a Lethia Gada, R.N.
a/k/a Lethia Walston, R.N.
License No.: 0001-062416

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 July 14, 2014, in Henrico County, Virginia, to receive and act upon Lethia Baum's application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Baum may have violated certain laws and regulations governing nursing practice in Virginia. The Commonwealth's case was presented by Anne Joseph, Deputy Director, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Baum was present and was represented by Nathan Mortier, 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. Lethia Baum, R.N. was issued License No. 0001-062416 to practice professional nursing in Virginia on September 1, 1976. Said license was suspended by Order of the Department of Health Professions pursuant to § 54.1-2409 of the Code on March 19, 2014. Her primary state of residence is Virginia.
2. Ms. Baum submitted an application for reinstatement of her license to practice professional nursing, which was received by the Board on March 31, 2014.
3. By Consent Order entered October 23, 2002, the Illinois Department of Professional Regulation indefinitely suspended Ms. Baum's license to practice as a registered nurse in the State of Illinois for a minimum

of one year. This suspension formed the basis for the mandatory suspension of Ms. Baum's license to practice professional nursing in Virginia pursuant to § 54.1-2409 of the Code.

4. As set forth in the Consent Order of the Illinois Department of Professional Regulation, by her own admission, in or about 2001, Ms. Baum wrote and phoned in fraudulent prescriptions for Vicodin (hydrocodone combination product, Schedule III) using the name of her physician employer and obtained Vicodin for the purpose of committing suicide.

5. In or about 1996, in the General District Court of Carroll County, Virginia, Ms. Baum was convicted of filing a false report to a law enforcement officer, a misdemeanor involving moral turpitude.

6. On her application for reinstatement of her license to practice nursing, dated March 28, 2014, Ms. Baum answered "no" to the question of whether she had ever been convicted, pled guilty to, or pled nolo contendere to the violation of any federal, state or other statute or ordinance constituting a felony or misdemeanor when, in fact, she had been convicted of felony obtaining controlled substances by fraud or forgery in the Circuit Court of York County, Virginia, on or about November 20, 1986; two counts of felony forgery in the Circuit Court of Newport News, Virginia, on November 26, 1985; and the misdemeanor offense referenced in Finding of Fact No. 5 above.

7. Ms. Baum testified that since the scenario referenced in Finding of Fact number 4 she was hospitalized and has received treatment. She stated that she has had no further contemplations of suicide.

8. Ms. Baum further stated that she had no intent to mislead the Board when she inaccurately filled out her application; she testified that she misunderstood the question.

9. Ms. Baum testified that she has a solid support system in her family and five very good friends who provide support for her. Ms. Baum presented many letters of support from practitioners who work with her on a regular basis for the reinstatement of her license. Dr. Powell, a physician who has worked with Ms. Baum for eight years and is assisted by her on a frequent basis in the operating room, testified on her behalf and praised her practice.

10. Ms. Baum told the Board that she is a passionate patient advocate and that she loves practicing nursing. She has been employed at Chesapeake Regional Medical Center since July 2006. After her license was mandatorily suspended by the Department of Health Professions, she immediately informed her employer about the suspension and was reassigned to a position that does not require a license. Ms. Baum has had no patient care issues.

11. Ms. Baum has previously been disciplined by the Board and the Committee of the Joint Boards of Nursing and Medicine. She was placed on probation as a nurse practitioner, but she has not practiced in this capacity since the Committee of the Joint Boards' action.

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

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations").
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(4) of the Code.
4. Finding of Fact No. 6 constitutes a violation of § § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. 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. 0001-062416 issued to Lethia Baum to practice professional nursing in the Commonwealth of Virginia is REINSTATED. Ms. Baum shall be issued a single-


state license that is valid in Virginia only.

2. Lethia Baum, R.N. is hereby REPRIMANDED.

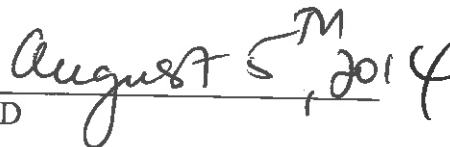
3. Ms. Baum shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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, MSM, RN, CSAC, FRE
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, MSM, RN, CSAC, FRE, 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.

Certified True Copy
By 

Virginia Board Of Nursing