

**VIRGINIA:**

**BEFORE THE COMMITTEE OF THE JOINT BOARDS  
OF NURSING AND MEDICINE**

**IN RE: LETHIA B. GADA, R.N., L.N.P.**

**ORDER**

Pursuant to § 9-6.14:12, § 54.1-110 and § 54.1-2400(10) of the Code of Virginia (1950), as amended (the "Code"), a formal administrative hearing was held before a panel of the Committee of the Joint Boards of Nursing and Medicine (the "Committee") on September 9, 1998, in Henrico County, Virginia, to receive and act upon evidence that Leitha B. Gada, R.N., L.N.P., may have violated certain laws and regulations governing the practice of licensed nurse practitioners in Virginia. The case was presented by Stephen U. Bauer, Assistant Attorney General. Howard M. Casway, Assistant Attorney General, was present as legal counsel for the Committee. Ms. Gada was present and was not represented by counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Lethia B. Gada, L.N.P., holds License No. 0001-062416, issued by the Virginia Board of Nursing, to practice professional nursing in the Commonwealth, and to practice as a licensed nurse practitioner in the category of pediatric nurse practitioner. Ms. Gada also holds License Number 0017-000724 for prescriptive authority, issued by the Committee of the Joint Boards of Nursing and Medicine. Despite this, Ms. Gada testified that she has been practicing as an adult nurse practitioner for the past several years.
2. During the course of Ms. Gada's employment with Atlantic Medical Weight Loss Institute, Virginia Beach, Virginia:
  - a) From, on or about December 10, 1996, and continuing through and until late June 1997, Ms. Gada practiced independent of sufficient medical direction or supervision

in that she did not have written protocols with any of the physicians employed at Atlantic Medical Weight Loss Institute.

- b) From, on or about late January/early February 1997, and continuing through and until late March/early April 1997, on at least one occasion, Ms. Gada independently (i.e. without consulting a physician) initiated patients on one of four physician approved weight loss programs, three of which included the use of one or more of the Schedule IV controlled substances: Adipex (phentermine), Pondimin (fenfluramine) and Redux (dexfenfluramine), based on pre-established guidelines set by the Medical Director. Ms. Gada testified that these patients were not necessarily seen by a physician.
- c) On or about June 19, 1997, a Department of Health Professions Inspector advised all the personnel at Atlantic Medical Weight Loss Institute, including Ms. Gada, that no controlled substances should be dispensed at the facility.
- d) From, on or about June 20, 1997, and continuing through and until June 30, 1997, Ms. Gada, at the direction of Ms. Jacqueline Miles, the office manager of Atlantic Medical Weight Loss Institute, who in turn took her orders from Dr. Timothy J. Hardy, who owned Atlantic Medical Weight Loss Institute, continued to dispense Schedule IV controlled substances including: Adipex (phentermine), Pondimin (fenfluramine) and Redux (dexfenfluramine). By her own admission, Ms. Gada continued to dispense medication after that date.
- e) From June 20, 1997, through and until June 30, 1997, Ms. Gada inappropriately prescribed the following Schedule IV controlled substances for patients who had not been evaluated by a physician: Adipex (phentermine), Pondimin (fenfluramine) and Redux (dexfenfluramine). Said conduct was done at the direction of Ms. Jacqueline Miles, the office manager of Atlantic Medical Weight Loss Institute, who in turn

took her orders from Dr. Timothy J. Hardy, who owned Atlantic Medical Weight Loss Institute. Furthermore, the said conduct was done with the assistance of Dr. Prashant B. Bagalkotkar, who signed approximately 200 prescription forms in blank.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Committee concludes that Lethia B. Gada, R.N., L.N.P., has violated § 54.1-2957.01(B) and 54.1-3007(3) and (5) of the Code of Virginia (1950), as amended, and 18 VAC 90-30-220(3), (4) and (6) of the regulations governing the licensure of nurse practitioners; and 18 VAC 90-40-130(A) of the regulations for prescriptive authority for licensed nurse practitioners.

### **ORDER**

On the basis of the foregoing, the Committee of the Joint Boards of Nursing and Medicine, effective upon entry of this Order, hereby ORDERS that Lethia B. Gada, R.N., L.N.P., be, and hereby is, placed on PROBATION 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. Ms. Gada may request that the Committee end this probation after not less than one (1) year of employment as a licensed nurse practitioner.
2. Written reports are required by this Order and shall be sent to the Committee with the first report being received no later than sixty (60) days following the date that 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.
3. Ms. Gada shall inform the Committee in writing within ten (10) days of the date she begins nurse practitioner practice, or changes employment, or any interruption in nurse practitioner practice occurs, and she shall provide the name and address of the employer.
4. Ms. Gada shall inform her current nurse practitioner employer and each future nurse

practitioner employer that the Committee has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Gada is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

5. Ms. Gada shall practice as a nurse practitioner only within her scope of practice as a pediatric nurse practitioner, and shall provide the Committee of Nursing with employment written protocols.
6. Performance Evaluations shall be provided, at the direction of Ms. Gada, by all nurse practitioner employer(s).
7. Ms. Gada shall cooperate with the Virginia Department of Health Professions with any further investigations or possible disciplinary matters involving Atlantic Medical Weight Loss Institute, Virginia Beach, Virginia, including appearing at a subsequent disciplinary proceeding conducted by a regulatory board within the Virginia Department of Health Professions, to give testimony as may be requested.
8. Ms. Gada shall submit quarterly "Self-Reports" which include a current address, telephone number, and all current employment. This report shall also include any changes in employment status, as required in Term No. 3.
9. Ms. Gada shall return all copies of her current license to practice as a licensed nurse practitioner to the Committee within ten (10) days of the date of entry of this Order. Upon receipt of the old license and a \$15.00 fee, the Committee shall issue a new license marked "PROBATION WITH TERMS."
10. Ms. Gada as a licensed nurse practitioner, shall conduct herself in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the regulations governing the practice of licensed nurse practitioners in Virginia.

Any violation of the terms and conditions stated in this Order shall be reason for revoking the

license of Lethia B. Gada, R.N., L.N.P, and a hearing shall be held to decide whether her license shall be revoked.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, 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 inspections or copying on request.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Gada has thirty (30) days from the service date in which to appeal this decision by filing a Notice of Appeal with Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad Street, Fourth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Ms. Gada actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

FOR THE COMMITTEE OF THE JOINT  
BOARDS OF NURSING AND MEDICINE

Nancy K. Durrett  
Nancy K. Durrett, R.N., M.S.N.  
Executive Director, Board of Nursing

October 8, 1998  
ENTERED

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Lethia B. Gada, at 2313 Gilmerton Road, Chesapeake, Virginia 23323, and at 3122-A Nebraska Court, Great Lakes, IL 60088.

Nancy K. Durrett  
Nancy K. Durrett, R.N., M.S.N.  
Executive Director for the  
Board of Nursing

October 8, 1998  
Date