

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DEBORAH LOVING, R.N. REINSTATEMENT APPLICANT
License No.: 0001-072178

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 May 19, 2014, in Henrico County, Virginia, to receive and act upon Deborah Loving's application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Loving may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Anne Glick Joseph, Deputy Director, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Loving was present and was not represented by legal counsel. 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. Deborah Loving was issued License No. 0001-072178 to practice professional nursing in Virginia on January 26, 1979. Said license expired on September 30, 2007, and Ms. Loving's right to renew the license was suspended by Order of the Department of Health Professions pursuant to § 54.1-2409 of the Code on January 8, 2008. Her primary state of residence is Virginia.
2. Ms. Loving submitted an application for reinstatement of her license on January 2, 2014.
3. On December 6, 2007, in the United States District Court for the Eastern District of Virginia, Norfolk Division, Ms. Loving was sentenced after being convicted by a jury of 1 count of Health Care Fraud and 29 counts of False Statement Relating to Health Care Matters, all felonies. This conviction formed the basis of the mandatory suspension of her right to renew her license to practice professional nursing.

4. The conviction was based on findings that Ms. Loving, who owned and operated a private care nursing service which served Medicaid patients, had submitted to the Department of Medical Assistance Services auditors falsified criminal background checks for 33 employees. The jury also found that Ms. Loving had provided to the auditors a fake resume and false licensing information regarding a professional nurse whom she purportedly employed to supervise personal care aides and visit patients monthly. Ms. Loving appealed her sentence to the United States Court of Appeals for the Fourth Circuit, which affirmed an upward adjustment of two levels for abuse of a position of trust. The Fourth Circuit noted that the trial judge had made findings that Ms. Loving had attempted to cover up her crime, which led her to create false documents of various kinds and ultimately to commit perjury at her trial.

5. Ms. Loving was sentenced to 41 months incarceration on all 30 counts, to be served concurrently. She was incarcerated for approximately 32 months. She was also ordered to pay \$301,625.50 in restitution to the Federal government. Although she was released from supervised probation on December 26, 2013, she still owes over \$300,000 in restitution.

6. Ms. Loving testified that she pays toward her restitution debt every month.

7. At the hearing, Ms. Loving testified that she assumed the necessary background checks were being performed by her employees. She maintained that although she was the sole proprietor of her business she was not personally responsible for ensuring the performance of the required background checks. Nonetheless, she acknowledged she was responsible for the background checks as the sole proprietor of the business.

8. Ms. Loving testified that she last practiced nursing in May 2007. She stated that she has taken continuing education courses in order to maintain her competency. Ms. Loving testified that she would like to be a healthcare provider as a parish nurse for her church and as a nurse on mission trips through her church. She further stated that she does not want to own her own business.

9. Ms. Loving testified that this experience has taught her to be more mindful, careful, and diligent in her practice. She stated that she now takes more professional responsibility.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.

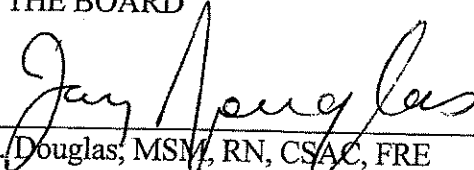
ORDER

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, License No. 0001-072178, issued to Deborah Loving to practice professional nursing in the Commonwealth of Virginia, is hereby REINSTATED.
2. Ms. Loving is hereby REPRIMANDED.
3. Ms. Loving 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.

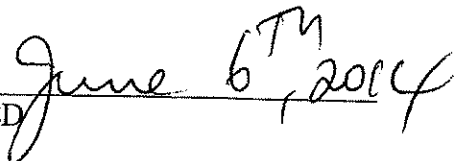
Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

ENTERED



Certified True Copy

By 

Virginia Board Of Nursing

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.