

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KANDA B. GILES, R.N.
License No.: 0001-242164**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on April 2, 2014, in Henrico County, Virginia. Kanda B. Giles, R.N., was present and was not represented by legal counsel. Janet B. Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 21, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Giles was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Kanda B. Giles, R.N., was issued License No. 0001-242164 to practice as a professional nurse in Virginia on January 10, 2013. The license is scheduled to expire on September 30, 2015. Her primary state of residence is Virginia.
2. By letter dated March 7, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Giles notifying her that an informal conference would be held on April 2, 2014. The Notice was sent by certified and first class mail to 6 Stedlyn Circle, Hampton, Virginia 23664, the address of record on file with the Board of Nursing.
3. On June 8, 2013, during the course of her employment with Riverside Regional Medical Center, Newport News, Virginia, Ms. Giles reported for her assigned shift smelling of alcohol. An

alcohol blood test was administered where she registered 63 mg/dl, or .06 percent blood alcohol content. As a result of this incident, Ms. Giles' employment was terminated effective June 17, 2013.

4. There was no patient harm as a result of Ms. Giles' actions.

5. At the informal conference, Ms. Giles reported that she consumed an unknown amount of alcohol on June 7, 2013, while celebrating her husband's new job. She stated that she had her last drink at about 2:00 a.m. on June 8, 2013, 13 hours before she was to report to work. She indicated that she felt hung over, but not intoxicated. She further stated that if she had felt intoxicated at all, or that she still had alcohol in her system, she would not have gone to work. Although she denied suffering from any substance abuse issues, she indicated that she was willing to do whatever the Board required in order to maintain her license. She reported that she signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on March 26, 2014, but had not yet attended orientation or had a substance abuse assessment.

6. Ms. Giles stated that she secured employment as an R.N. with M.D. Express Urgent Care on July 10, 2013. She indicated that her employer is aware of the circumstances surrounding her termination from Riverside Regional Medical Center and the subsequent investigation by the Board. She also stated that she is currently on leave until she is authorized to practice by the HPMP, and is working as a waitress for employment.

7. At the informal conference, Ms. Giles submitted two positive letters of recommendation, and was accompanied by two friends for support.

CONCLUSIONS OF LAW

Finding of Fact #3 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION contingent upon Ms. Giles' continued compliance 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. Giles, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Giles shall be noticed to appear before the Board at such time as the Board is notified that:

a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. 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

c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Giles' participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Giles' multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Giles shall 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. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Giles 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 § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Giles may, not later than 5:00 p.m., on July 7, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

Gloria Mitchell
for Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: June 3, 2014

This Order shall become final on July 7, 2014 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By: *[Signature]*
Virginia Board of Nursing