

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           KELLY A. K. GAYNE, R.N. REINSTATEMENT APPLICANT**  
**License No.: 0001-158556**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on April 7, 2014, in Henrico County, Virginia, to receive and act upon Kelly A.K. Gayne’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Gayne may have violated certain laws and regulations governing professional nursing practice. Ms. Gayne was present and was not represented by counsel.

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

**FINDINGS OF FACT**

1. Kelly A.K. Gayne, R.N., was issued License No. 0001-158586 to practice professional nursing in the Commonwealth of Virginia on April 30, 1998. Said license was suspended by Order of the Board entered on June 7, 2013. Ms. Gayne’s primary state of residence is Virginia.
2. By letter dated March 10, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Gayne notifying her that an informal conference would be held on April 7, 2014. The Notice was sent by certified and first class mail to 107 Falls Circle, Tappahannock, Virginia, 22560, the address of record on file with the Board of Nursing.
3. Ms. Gayne submitted an application for the reinstatement of her license to practice professional nursing, which was received by the Board on September 13, 2013.

4. Ms. Gayne became addicted to Adderall and Ritalin after initially using the medication as prescribed. Ms. Gayne engaged in doctor shopping to obtain additional stores of the medications. Her addiction continued for six or seven years. She reported her date of sobriety as March 30, 2013.

5. Ms. Gayne is currently receiving treatment through the Warsaw Community Services Board. She has begun a 16-week program, which includes attending four AA or NA meetings per week. However, Ms. Gayne did not have a sponsor at the time of the informal conference. She also stated that she is attending group meetings three nights per week.

6. Ms. Gayne signed a Participation Contract with the Health Practitioners' Monitoring Program on January 20, 2014, in which she acknowledged her disease of chemical dependence. However, she had not begun her HPMP orientation as of the date of the informal conference.

7. Ms. Gayne stated that she is currently taking Zoloft, Wellbutrin XL, and an Advair inhaler, as prescribed.

8. When questioned about her future practice plans, Ms. Gayne stated that initially she would be better off in a less stressful environment and agreed that she would be better off in an environment more structured than home health are.

9. She last worked as professional nurse in January 2013 and briefly held one paying job in late 2013, which was not in health care and from which she was terminated. From September 2010 through December 2013, Ms. Gayne's employment with five different employers was terminated.

10. Ms. Gayne presented a positive letter of reference from the Workforce Investment Act Coordinator with the Virginia Employment Commission dated March 28, 2014.

#### **CONCLUSIONS OF LAW**

Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.

2. Based on the above Findings of Fact, the Committee concludes that Ms. Gayne is properly enrolled in the Health Practitioners' Monitoring Program ("HPMP").

3. The Board concludes that Ms. Gayne has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

### **ORDER**

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Kelly A. K. Gayne's application for reinstatement of License No. 0001-158556 to practice as a professional nurse in the Commonwealth is hereby DENIED.

2. License No. 0001-158556 issued to Ms. Gayne to practice professional nursing in the Commonwealth of Virginia, is hereby continued on INDEFINITE SUSPENSION. Said suspension shall be STAYED upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:

a. Ms. Gayne shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Gayne, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Gayne is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

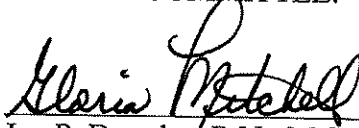
3. Upon receipt of evidence of Ms. Gayne's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Gayne's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

4. Ms. Gayne 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.

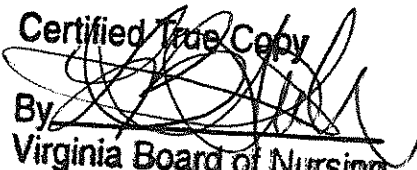
Pursuant to Section 54.1-2400(10) of the Code, Ms. Gayne may, not later than 5:00 p.m., on **June 9, 2014**, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

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

ENTERED: May 7, 2014

This Order shall become final on **June 9, 2014**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy  
By   
Virginia Board of Nursing