

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KELLY GAYNE, R.N.
 License No.: 0001-158556**

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 February 13, 2013, in Henrico County, Virginia. Kelly Gayne, R.N., was present and was not represented by legal counsel. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Gayne 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. Kelly Gayne, R.N., was issued License No. 0001-158556 to practice professional nursing in Virginia on April 30, 1998. The license is scheduled to expire on July 31, 2013. Ms. Gayne also holds licenses to practice professional and practical nursing in New York, which are expired. Virginia is her primary state of residence.

2. By letter dated January 14, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gayne notifying her that an informal conference would be held on February 13, 2013. The Notice was sent by certified and first class mail to 17455 Mill Stone Lane, Bowling Green, Virginia 22427, the address of record on file with the Board of Nursing, and sent to a secondary address at 107 Falls Run Circle, Tappahannock, Virginia 22560.

3. By Order of the Board entered February 17, 2012 (“Board’s Order”), Ms. Gayne was issued a reprimand and ordered to pay a monetary penalty of \$250.00 based on findings that she affixed her signature to patient assessments, which she did not perform on home health patients she did not visit.

4. Term No. 2 of the Board’s Order required Ms. Gayne to pay a \$250.00 monetary penalty to the Board within 30 days of entry of the Order. Ms. Gayne has not paid the penalty as of this date.

5. During the course of her employment with Interim HealthCare, Fredericksburg, Virginia:

a. From May 7, 2012, to May 18, 2012, Ms. Gayne failed to follow a physician’s order to draw blood from Client A. In addition, she failed to follow a physician’s order to change Client A’s dressing each week. Instead, she trained Client A’s mother to change the dressing, and she did not visit the client. At the informal conference, Ms. Gayne admitted that she failed to follow the physician’s order.

b. From May 3, 2012, to May 23, 2012, Ms. Gayne failed to follow a physician’s order to change Client B’s dressing three times a week in that she only visited the client and changed the dressing on approximately four occasions. As a result of Ms. Gayne’s failure to change the dressing, Client B’s wound got worse. Client B did not have the supplies to change his dressing himself.

6. Interim Health Care terminated Ms. Gayne’s employment as a result of the above incidents. At the informal conference, Ms. Gayne stated that she was recently employed at Westmoreland Health and Rehabilitation, Colonial Beach, Virginia, and her employment was terminated as a result of excessive absenteeism. Ms. Gayne stated that she is currently unemployed. She has been a nurse since 1984.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Term No. 2 of the Board’s Order.
2. Findings of Fact Nos. 5(a) and 5(b) constitute a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

ORDER


WHEREFORE, it is hereby ORDERED as follows:


1. License No. 0001-158556 of Kelly Gayne, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Gayne shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Gayne shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.

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. Gayne may, not later than 5:00 p.m., on July 10, 2013, notify 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, 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:

Certified True Copy

By 
Virginia Board of Nursing


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

ENTERED: June 7, 2013

This Order shall become final on July 10, 2013 unless a request for a formal administrative hearing is received as described above.