

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: Leslie Updyke, R.N.  
License No.: 0001-174777**

**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 June 15, 2006, in Henrico County, Virginia. Ms. Updyke was not present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 19, 2006, the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Updyke was not present nor was she represented by legal counsel. Ms. Updyke submitted written comments.

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. Leslie Updyke, R.N., was issued license no. 0001-174777 to practice professional nursing in the Commonwealth on July 18, 2001. The license expired on January 31, 2006. Additionally, Ms. Updyke advised the investigator with the Department of Health Professions that she was moving to Florida and was not planning to renew her Virginia license.

2. By letter dated May 25, 2006, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Leslie Updyke, R.N., notifying her that an informal conference would be held on June 15, 2006. The Notice was sent by certified and first class mail to 209 N. Palm

Avenue, Howey in the Hills, Florida 34737, the address of record on file with the Board of Nursing.

3. During the course of Ms. Updyke's employment with Riverside Regional Medical Center, Newport News, Virginia:

a. On or about November 26, 2004, Ms. Updyke documented in a patient's chart that she completed an assessment; however there was no shift systems assessment documented as required.

b. On or about November 25, 2004, Ms. Updyke conducted a Dextrostick on an infant; however, she failed to utilize the Medical Record barcode per protocol for identification of the specimen in the lab, and therefore it was missed in the laboratory.

c. On or about October 17, 2004, Ms. Updyke administered and documented the administration of Vancomycin every four hours to a patient, when the physician's order was for administration every eight hours.

d. On or about October 6, 2004, Ms. Updyke was observed preparing ampicillin via a syringe. The amount in the syringe which she prepared was only 0.5 ml. The physician's order was for ampicillin 160 mg, which should have been 1.6 ml.

e. On or about September 29, 2004, Ms. Updyke failed to follow a written physician's order to alternate breast milk with formula. She reported to the oncoming nurse that she did not "mess with the breast milk during the night" and only fed formula to the infant. It was noted that there was a sufficient supply of breast milk to feed the infant.

f. On or about November 20, 2003, Ms. Updyke received a written warning for not following facility policy for documenting verbal orders. Specifically, Ms. Updyke administered a 40 ml bolus of 10% Dextrose to a premature infant instead of 40 ml of normal

saline as ordered. Her error caused the infant's glucose level to rise to 495.

g. As a result of the above, Ms. Updyke's employment was terminated.

### **CONCLUSIONS OF LAW**

The Board concludes that Finding of Fact No. 3.a through f constitutes a violation of § 54.1-3007(2) and (5) of the Code, and 18 VAC 90-20-300(A)(2)(b) and (e) of the Board of Nursing Regulations.

### **ORDER**

WHEREFORE, it is hereby ORDERED that that the license of Leslie Updyke, R.N., be and hereby is, INDEFINITELY SUSPENDED. At such time as Ms. Updyke shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to receive evidence satisfactory to the Board that she is capable of resuming the safe and competent practice of nursing.

Upon entry of this Order, the license of Leslie Updyke, R.N., will be recorded as suspended and no longer current. Consistent with the terms of this Consent Order, in the event that Ms. Updyke seeks reinstatement of her license, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

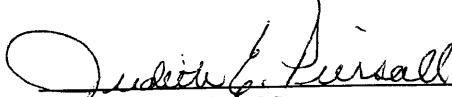
This Order shall be applicable to Ms. Updyke's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia.

Since Ms. Updyke failed to appear at the informal conference, this Order shall be considered final. Ms. Updyke has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, she has thirty (30) days

from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within 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, at 6603 West Broad Street, Richmond, Virginia 23230. In the event that this decision is served by mail, three days are added to that period.

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

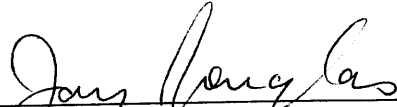


Judith Piersall, R.N.  
President  
Virginia Board of Nursing

Entered: September 19<sup>th</sup>, 2006

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Leslie Updyke, R.N., 209 N. Palm Avenue, Howey in the Hills, Florida 34737.

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

September 22<sup>nd</sup>, 2006  
DATE