

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: CINDY L. TINCHER, L.P.N.**  
**License No.: 0002-084889**

**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 December 3, 2013, in Henrico County, Virginia. Cindy L. Tincher, L.P.N., was not present nor was she represented by legal counsel. Janet Younger, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Tincher 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. Cindy L. Tincher, L.P.N., was issued License No. 0002-084889 to practice practical nursing in Virginia on May 31, 2011. The license is scheduled to expire on September 30, 2014. Ms. Tincher's primary state of residence is Virginia.
2. By letter dated November 8, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Tincher notifying her that an informal conference would be held on December 3, 2013. The Notice was sent by certified and first class mail to 1502 Springhill Road, Staunton, Virginia, 24401, the address of record on file with the Board of Nursing. The receipt for Notice

sent via certified mail was not returned to the Board office. The Notice sent via first-class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Tincher, and the informal conference proceeded in her absence.

3. During the course of her employment as resident care director with Emeritus at Staunton, Staunton, Virginia, on October 2, 2012, when Ms. Tincher received a report of abuse to a resident by a staff member, she failed to initiate an investigation or report the incident to Adult Protective Services or local law enforcement.

4. Ms. Tincher resigned from employment at Emeritus, and her last day was October 8, 2012.

5. Ms. Tincher was employed at Kings Daughters Community Health, Staunton, Virginia, from October 9, 2012, to December 2012, when she resigned due to health issues.

6. Ms. Tincher is receiving medical treatment for a brain aneurysm and seizures, for which she was hospitalized in December 2012. On May 30, 2013, during an interview with an investigator for the Department of Health Professions, Ms. Tincher's primary care physician reported that she is not safe to practice as a nurse.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

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

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-084889 of Cindy L. Tincher, L.P.N., is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

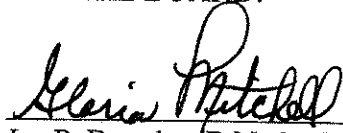
3. At such time as Ms. Tincher shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Tincher shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

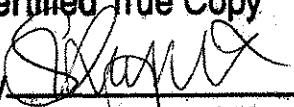
4. This suspension applies to any multistate privilege to practice practical nursing.

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.

Since Ms. Tincher failed to appear at the informal conference, this Order shall be considered final. Ms. Tincher 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, Ms. Tincher 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 Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD:

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

**Certified True Copy**  
By   
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Virginia Board of Nursing

Entered: February 21, 2014