

practice was temporarily restricted and he was ordered to participate in an intense clinical didactic and precepted period due to the following errors:

- a. Failing to contact anesthesia as ordered for a post-surgical patient's escalating pain;
- b. Administering Vicodin more frequently than ordered;
- c. Failing to document intake and output as ordered for a post-appendectomy patient;
- d. Failing to implement the fall risk protocol for a 73-year-old patient with a urinary tract infection and dehydration;
- e. Administering Darvocet more frequently than ordered;
- f. Failing to document intravenous fluid weaning and intake and output for a two-year-old patient admitted for dehydration and gastroenteritis;
- g. Failing to document skin assessments and initiate appropriate referrals for a transfer patient who had undergone multiple skin grafts subsequent to being in a plane crash; and
- h. Failing to complete documentation for a patient with a right total knee replacement.

4. Mr. Faponle acknowledged that the above errors could have occurred, but he had no specific recollection. He was honorably discharged from the Air Force on August 16, 2010.

5. During the course of his employment with Norfolk Healthcare Center, Norfolk, Virginia, on April 19, 2008:

- a. By his own admission, Mr. Faponle delegated nursing duties to a certified nurse aide including administering medications, administering medications through external feeding devices and conducting blood glucose tests.
- b. Mr. Faponle falsely documented administering medications administered by the certified nurse aide.
- c. As a result of these incidents, Mr. Faponle's employment was terminated.

6. Mr. Faponle stated that he is currently employed at Genesis Healthcare, Baltimore, Maryland. They are unaware of the allegations and the proceedings before the Board.

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)(b) and (f) of the Regulations Governing the Practice of Nursing (“Regulations”).

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

3. Finding of Fact No. 5(b) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

ORDER

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

1. Adedayo A. Faponle, R.N., shall be placed on PROBATION for a period of one year of actual nursing practice and subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Mr. Faponle has completed one year of active employment as a professional nurse. The license of Mr. Faponle shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code of Virginia (1950), as amended (“Code”).

- b. Mr. Faponle shall inform the Board in writing within ten days of the date he begins nursing, or changes employment, or if any interruption in nursing practice occurs. Additionally, Mr. Faponle shall provide the name and address of each employer to the Board.
- c. Mr. Faponle shall inform his current nursing employer and each future nursing employer that the Board has placed him on probation and shall provide each employer with a complete copy of this Order.
- d. Performance Evaluations shall be provided, at the direction of Mr. Faponle, by all nursing employers, as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.
- e. Mr. Faponle shall provide evidence that he has completed the following NCSBN online courses within 60 days of entry of the Order: Documentation: A Critical Aspect of Client Care; Medication Errors: Detection & Prevention; Professional Accountability & Legal Liability for Nurses; and Sharpening Critical Thinking Skills for Competent Nursing Practice.
- f. Mr. Faponle shall practice nursing only in a structured, supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse, who works the same shift and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Mr. Faponle shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.
- g. Mr. Faponle shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes

in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

h. Mr. Faponle shall return all copies of his license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order, along with a payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”

2. This order shall be applicable to Mr. Faponle’s multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Faponle shall not work outside 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 he wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.


3. Mr. Faponle shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Adedayo A. Faponle, R.N., and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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, Mr. Faponle may, not later than 5:00 p.m., on August 1, 2011, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he 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 P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: June 29th, 2011

This Order shall become final on August 1, 2011 unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By dgraham

Virginia Board of Nursing