

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIMBERLY A. ANDERSON, R.N., REINSTATEMENT APPLICANT
License No.: 0001-242376

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on July 14, 2014, in Henrico County, Virginia, to receive and act upon Kimberly Anderson's application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Anderson may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Jan Willis, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Anderson was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusion of Law.

FINDINGS OF FACT

1. Kimberly Anderson was issued License No. 0001-242376 to practice professional nursing in the Commonwealth of Virginia on January 22, 2013. Her primary state of residence is Virginia. This license was mandatorily suspended by Order of the Director of the Department of Health Professions pursuant to § 54.1-2409 of the Code on November 22, 2013. Ms. Anderson submitted an application for reinstatement of her license on March 25, 2014.

2. Ms. Anderson voluntarily surrendered her Maine nursing license in lieu of further disciplinary action on October 21, 2013, which formed the basis for the mandatory suspension.
3. The Board has previously disciplined Ms. Anderson. When she received her Virginia nursing license by endorsement on December 18, 2012, she was placed on probation for not less than two years of actual nursing practice. Ms. Anderson did not actively practice nursing from the time of receiving her Virginia license until the mandatory suspension.
4. Prior to the mandatory suspension of her license, Ms. Anderson was compliant with the probationary reporting requirements and completed the ordered NCSBN courses.
5. Ms. Anderson last worked as a professional nurse in February 2012. She testified that the refresher courses available are expensive, and that she has been attending classes at Bryant and Stratton College, pursuing a major of medical administrative assistant. She presented evidence of three contact hours of continuing education.
6. The action in Maine was partially based on a dispute about what state was Ms. Anderson's state of residence. She stated that she does not intend to return to practice in Maine.
7. Ms. Anderson testified that she needs to become educated in order to make sure that she is a safe nurse. She stated that she has learned from her experiences. Ms. Anderson stated that she believes she was meant to take care of people and she enjoys doing so. Ms. Anderson further stated that she does not want to practice home health; she would prefer to work in a doctor's office, hospital, or clinic.
8. Ms. Anderson told the Board that she is willing to do whatever is necessary to demonstrate that she is a safe nurse.

CONCLUSION OF LAW

The Board concludes that Finding of Fact No. 2 constitutes a violation of § 54.1-3007(7) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Kimberly A. Anderson for reinstatement of License No. 0001-242376 to practice professional nursing in the Commonwealth of Virginia is hereby APPROVED.

Ms. Anderson shall be issued a license that is valid in Virginia only.

2. Ms. Anderson shall be on PROBATION for not less than two years of actual nursing practice under the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered shall end at such time as Ms. Anderson has completed two years of active employment as a professional nurse. Ms. Anderson shall be issued an unrestricted license 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.

b. Ms. Anderson shall inform the Board in writing within 10 days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Anderson shall provide the name and address of each employer to the Board

c. Ms. Anderson shall inform her current nursing employer and each future nursing employer, that the Board has placed her on probation and shall provide each employer with a complete copy of this Order.

d. Performance Evaluations shall be provided, at the direction of Ms. Anderson, by all nursing employer(s), 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. Ms. Anderson shall practice nursing only in a structured/supervised employment setting satisfactory to the Board for the first two years 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 works on the same level of the building, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Anderson shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

f. Ms. Anderson 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.

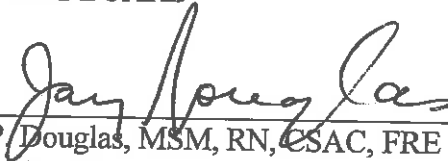
g. Ms. Anderson shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

h. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Anderson, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

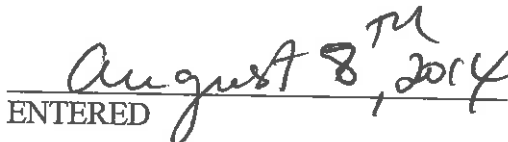
3. Kimberly A. Anderson is hereby REPRIMANDED.

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



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing


ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 
Virginia Board Of Nursing