

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIMBERLY ANDERSON, R.N. APPLICANT

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) and (10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on October 17, 2012, in Henrico County, Virginia. Kimberly Anderson was present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 14, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Anderson was not present nor was she represented by legal counsel. Ms. Anderson submitted written comments/objections.

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. Kimberly Anderson was issued License No. RN53135 to practice professional nursing in the State of Maine in 2006. Said license is scheduled to expire on January 13, 2014. Ms. Anderson applied for licensure by endorsement to practice professional nursing in Virginia on January 31, 2012. She declared her primary state of residence to be Virginia.
2. By letter dated August 31, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Anderson notifying her that an informal conference would be held on October 17, 2012. The Notice was sent by certified and first class mail to 4741 Shallowford Circle, Virginia Beach, Virginia 23462.

3. On June 16, 2011, Ms. Anderson entered into a Consent Agreement with the Board of Nursing for the State of Maine. Pursuant to the agreement, Ms. Anderson received a warning from the Maine Board of Nursing based on two medical errors that she committed while employed at Maine General Hospital. Specifically, on December 15, 2009, Ms. Anderson failed to reference a changed lab value for the administration of a patient's Heparin and thereby failed to adjust the patient's dose. In addition, on January 26, 2010, Ms. Anderson administered anticoagulant medication to the wrong patient. Her employment with Maine General was terminated on February 3, 2010.

4. During the course of her employment with Heartland Home Health Care and Hospice, Virginia Beach, Virginia, while practicing on her multistate licensure privilege, between December 22, 2011 and January 11, 2012, Ms. Anderson was assigned to provide Foley catheter care and wound/decubitus care to Client A, who suffered from dementia and was confined to her bed. Ms. Anderson failed to provide proper decubitus care to Client A, which resulted in the client's admission to the hospital for sepsis and a 6cm X 6cm Stage IV decubitus ulcer on her coccyx. Further Ms. Anderson failed to document any progression in the size of the decubitus ulcer, urine culture and sensitivity, and PT/INR.

5. Following an investigation into the above incident, Adult Protective Services concluded neglect had occurred. Additionally, Ms. Anderson's employment with Heartland was terminated on February 20, 2012.

6. At the informal conference, Ms. Anderson denied observing any signs of infection and stated that she believed that Client A's wound was getting smaller, but she acknowledged that she should have visited Client A more often than once a week and been more vigilant regarding the Client's wound. She stated that she did not receive a lot of training on wound care.

7. Ms. Anderson has not been employed in nursing since her termination from Heartland.

Two of the three nursing positions she has held since being licensed in 2006 have been terminated for performance-related issues. She has not sought any additional training since the above incidents.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 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. Ms. Anderson otherwise meets the requirements of § 54.1-3018 of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The application of Kimberly Anderson for licensure by endorsement to practice professional nursing in Virginia is APPROVED. Ms. Anderson shall be issued a license 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 and 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 provide evidence that she has completed the following NCSBN online courses within 30 days of entry of the Order: *Professional Accountability & Legal Liability for Nurses*; and *Sharpening Critical Thinking Skills for Competent Nursing Practice*.

f. 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 /professional nurse /licensed practical 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.

g. 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.

h. 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.

i. 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.

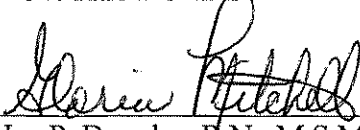
j. This Order is applicable to Ms. Anderson's multistate licensure privileges, if any, to practice professional in the Commonwealth of Virginia. For the duration of this Order, Ms. Anderson shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

2. Kimberly Anderson is hereby REPRIMANDED.

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. Anderson may, not later than 5:00 p.m., on **January 21, 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:


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

ENTERED: December 18, 2012

This Order shall become final on January 21, 2013, unless a request for a formal administrative hearing is received as described above.