

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: RUSSELL EVANS CUMMINGS, R.N.
License No.: 0001-208967

CONSENT ORDER

The Virginia Board of Nursing ("The Board") and Russell Evans Cummings, R. N., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Mr. Cummings to practice nursing in the Commonwealth of Virginia.

FINDINGS OF FACT

The Board adopts the following findings of fact in this matter:

1. Russell Evans Cummings, R.N., was issued license number 0001-208967 by the Board to practice nursing in the Commonwealth of Virginia on August 24, 2007. Mr. Cummings' primary state of residence is Virginia.
2. On July 3, 2008, the Virginia Board of Nursing entered a Consent Order which required Mr. Cummings to pay a monetary penalty of One Hundred Dollars (\$100.00) to the Board. This action was based on his violation of the Code of Virginia and Board of Nursing Regulations, in that from August 13, 2007 through August 21, 2007, Mr. Cummings practiced nursing without a license.
3. On August 2, 2011, the North Carolina Board of Nursing revoked Mr. Cummings' multistate privilege to practice nursing due to Mr. Cummings' pattern of discrepancies in the withdrawal and administration of narcotic medications and signing out controlled substances without a physician's order, which occurred during the course of his employment with Pitt County Memorial Hospital, Greenville, North Carolina.

3. By Order entered August 29, 2011, the Director of the Department of Health Professions mandatorily suspended Mr. Cummings' license pursuant to Section 54.1-2409 of the Code due to the action of the North Carolina Board.

4. By Order entered July 31, 2012, the Virginia Board of Nursing reinstated Mr. Cummings' license to practice nursing in the Commonwealth of Virginia. The Order also reprimanded him and required that he complete the NCSBN course: "Documentation: A Critical Aspect of Client Care". Mr. Cummings provided evidence that he completed said course on September 6, 2012.

5. By Order entered December 13, 2012, the North Carolina Board of Nursing reinstated Mr. Cummings' privilege to practice nursing in the State of North Carolina through the Nurse Licensure Compact.

6. By Final Order entered May 14, 2013, the Florida Board of Nursing accepted the voluntary surrender, in lieu of further disciplinary action, of Mr. Cummings' license to practice nursing in the State of Florida. This action was based solely on the Virginia Order of mandatory suspension entered August 29, 2011, and the Board's Consent Order entered July 3, 2008.

7. By Order entered September 17, 2013, the Director of the Department of Health Professions mandatorily suspended Mr. Cummings' license pursuant to Section 54.1-2409 of the Code due to the action of the Florida Board of Nursing.

CONCLUSIONS OF LAW

This matter of the reinstatement of Mr. Cummings' license to practice nursing in the Commonwealth of Virginia is properly before the Board.

CONSENT

I, Russell Evans Cummings, R.N., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to a formal administrative hearing before the Board;
 - b. the right to appear in person or by counsel, or other qualified representative before the agency; and
 - c. the right to cross-examine witnesses against me.
4. I waive all rights to a formal hearing;
5. I admit the truth of the above Findings of Fact; and
6. I consent to the following Order affecting my license to practice nursing in the Commonwealth of Virginia.


ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of Russell Evans Cummings, R.N., to practice nursing in the Commonwealth of Virginia, be, and hereby is, REINSTATED effective September 17, 2013.

Mr. Cummings shall maintain a course of conduct in his practice of nursing commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent 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.

FOR THE BOARD:



Jane R. Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: Sept. 17, 2013

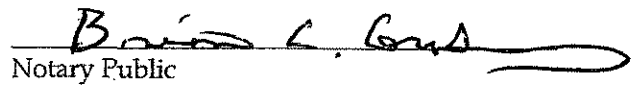
SEEN AND AGREED TO:



Russell Evans Cummings, R.N.

~~COMMONWEALTH OF VIRGINIA~~ *State of South Carolina*
COUNTY/CITY OF *Charleston* TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 19 day of July, 2013, by Russell Evans Cummings, R.N.


Notary Public

Registration Number: NA

My commission expires: 1-1-2015

Certified True Copy

By 

Virginia Board of Nursing

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: RUSSELL EVANS CUMMINGS, R.N.
License No.: 0001-208967**

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the State of Florida, Board of Nursing accepted the voluntary surrender, in lieu of further disciplinary action, of the license of Russell Evans Cummings, R.N., to practice nursing in the State of Florida by a Final Order entered May 14, 2013. A certified copy of the Final Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Russell Evans Cummings, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: _____

9-17-13



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Final Order entered May 14, 2013, regarding Russell Evans Cummings, R.N., are true copies of the records received from the State of Florida Board of Nursing.

Handwritten signature of Dianne L. Reynolds-Cane, M.D.

Dianne L. Reynolds-Cane, M.D.

Date: 9-17-13

FILED DATE - **MAY 14 2013**

Department of Health

[Signature]
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2011-14817

License No.: RN 9300840

RUSSELL EVANS CUMMINGS,

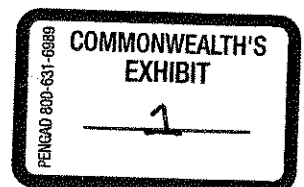
Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on April 4, 2013, in Ponte Vedra Beach, Florida, for the purpose of considering a voluntary relinquishment (attached hereto as Exhibit A). Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order as Exhibit B. Upon consideration of the voluntary relinquishment, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the voluntary relinquishment is accepted as a resolution of this case.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.



DONE AND ORDERED this 14 day of May, 2013.

BOARD OF NURSING

William E. Spooner for

JOE R. BAKER, JR.
Executive Director for
Ann-Lynn Denker, ARNP, PhD,
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to RUSSELL EVANS CUMMINGS, 4817 Cave Spring Lane, Roanoke, VA 24018 and 929 Maury River Road, Lexington, VA 24450-3402; and by interoffice delivery to and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, Jodi-Ann Johnson, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 14th day of May, 2013.

Brygel Sanders

Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Amy R. Conway*
DATE *2-26-13*

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. 2011-14817

RUSSELL EVANS CUMMINGS, R.N.,
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent RUSSELL EVANS CUMMINGS, R.N., license No. 9300840,
hereby voluntarily relinquishes Respondent's license to practice nursing in the
State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment
is to avoid further administrative action with respect to this cause.
Respondent understands that acceptance by the Board of Nursing
(hereinafter the Board) of this Voluntary Relinquishment shall be construed
as disciplinary action against Respondent's license pursuant to Section
456.072(1)(f), Florida Statutes. As with any disciplinary action, this
relinquishment will be reported to the National Practitioner's Data Bank as
disciplinary action. Licensing authorities in other states may impose
discipline in their jurisdiction based on discipline taken in Florida.

2. Respondent agrees to voluntarily cease practicing nursing immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of nursing until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

3. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes.

4. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

5. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.


6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 25th day of February, ²⁰¹³~~2012~~.


RUSSELL EVANS CUMMINGS, R.M.

STATE OF FLORIDA
COUNTY OF:

Before me, personally appeared Russell Cummings, whose
identity is known to me by Russell Cummings (type of
identification) and who, under oath, acknowledges that his signature appears
above. Sworn to and subscribed before me this 25th day of
Feb, 2013, 2013.


NOTARY PUBLIC

My Commission Expires:

JAMES E. PETERSON
Notary Public, State of South Carolina
My Commission Expires 8/23/2021

Sworn to and subscribed
before me this
25 day of Feb, 2013

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-14817

RUSSELL EVANS CUMMINGS, R.N.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Russell Evans Cummings, R.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.
2. At all times material to this Administrative Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN-9300840.

3. Respondent's address of record is 4817 Cave Spring Lane, Roanoke, Virginia 24018.
4. The Virginia Board of Nursing is the licensing authority of the practice of nursing in the state of Virginia.
5. Respondent's Virginia nursing license is 0001-208967
6. On or about July 3, 2008, the Virginia Board of Nursing entered a Consent Order against Respondent.
7. The Consent Order fined Respondent's Virginia nursing license.
8. On or about August 29, 2011, the Virginia Board of Nursing entered an Order against Respondent.
9. The Order suspended Respondent's Virginia nursing license.
10. Section 464.018(1)(b), Florida Statutes (2008, 2011), provides that having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country constitutes grounds for disciplinary action.

11. As set forth above, Respondent had his Virginia nursing license fined when the Virginia Board of Nursing entered a Consent Order against Respondent on or about July 3, 2008.

12. As set forth above, Respondent had his Virginia nursing license suspended when the Virginia Board of Nursing entered an Order against Respondent on or about August 29, 2011.

13. Based on the foregoing, Respondent violated Section 464.018(1)(b), Florida Statutes, by having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.


WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 20th day of March, 2012.

STEVEN L. HARRIS, M.D., M.Sc.
State Surgeon General
Florida Department of Health

NICHOLAS W. ROMANELLO
General Counsel
Florida Department of Health

WM. FREEMAN MILLER
Attorney Supervisor
Prosecution Services Unit


MICHAEL G. LAWRENCE, JR.
Assistant General Counsel
Fla. Bar No. 0011265
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4640

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE MAR 22 2012

Facsimile: (850) 245-4683
Email: Michael_Lawrence@doh.state.fl.us

/HLF
PCP:
PCP Members:

3/19/12
B. Kemp & N. Breen

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.