

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: RUSSELL CUMMINGS, R.N. REINSTATEMENT APPLICANT
 LICENSE NO.: 0001-208967**

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Russell Cummings, R.N., who, prior to its mandatory suspension by the Department of Health Professions on August 29, 2011, held License No. 0001-208967 to practice professional nursing in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on July 18, 2012, at 11:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Mr. Cummings will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Mr. Cummings has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on his behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Mr. Cummings desires any witnesses to appear on his behalf, he must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Mr. Cummings’ application for reinstatement of his license to practice professional nursing in Virginia and to inquire into evidence that Mr. Cummings may have violated certain laws governing professional nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

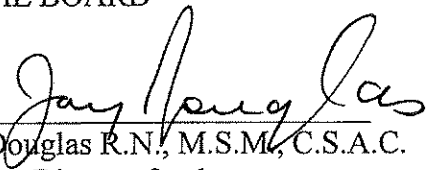
The burden rests upon Mr. Cummings, as the applicant, to demonstrate that he is capable of resuming the safe and competent practice of professional nursing in Virginia.

Pursuant to § 54.1-2409(D) of the Code, reinstatement of Mr. Cummings' license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that Russell Cummings, R.N., may have violated § 54.1-3007(2), (5), (7) and (8) of the Code and 18 VAC 90-20-300(A)(2)(a) and (c) of the Regulations Governing the Practice of Nursing in that on or about August 2, 2011, the North Carolina Board of Nursing revoked Mr. Cummings' privilege to practice professional nursing in North Carolina. The action was based on an audit of Mr. Cummings' documentation of controlled substances from March, 2010, through May, 2010, conducted by his employer Pitt County Memorial Hospital, Greenville, North Carolina. The North Carolina Board of Nursing found that of 52 transactions audited, 20 discrepancies were identified. The discrepancies included the following: Mr. Cummings signed out controlled substances without a physician's order on nine occasions. He signed out controlled substances without there being documentation on the Medication Administration Record to substantiate the administration of the drug to the patient on ten occasions. Finally, on one occasion, Mr. Cummings signed out a controlled substance without there being accountability for the waste.

FOR THE BOARD


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

ENTERED: _____

June 29TH 2012