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VA BD OF NURSING

COMMONWEALTH of VIRGINIA

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

Department of Health Professions

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Henrico, Virginia 23233-1463

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TEL (804) 367- 4400
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August 29, 2011

Russell Evans Cummings
929 Maury River Road
Lexington VA 24450

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 8/29/11

RE: License No.: 0001-208967

Dear Mr. Cummings:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered August 29, 2011. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

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

Enclosures
Case # 140340

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

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

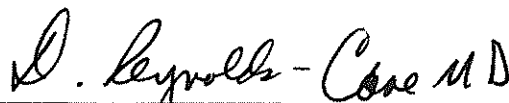
ORDER

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 privilege of Russell Evans Cummings, R.N., to practice nursing through the Nurse Licensure Compact in the State of North Carolina was revoked by an Order to Revoke Privilege to Practice dated August 2, 2011. A certified copy of the Order to Revoke Privilege to Practice 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**.

Upon entry of this Order, the license of Russell Evans Cummings, R.N., will be recorded as suspended and no longer current. Should Mr. Cummings seek reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

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: 8-29-11



COMMONWEALTH of VIRGINIA

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

Department of Health Professions

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CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Order to Revoke Privilege to Practice dated August 2, 2011, regarding Russell Evans Cummings, R.N., is a true copy of the records received from the North Carolina Board of Nursing.

D. Reynolds-Cane MD

Date: 8-29-11

Dianne L. Reynolds-Cane, M.D.

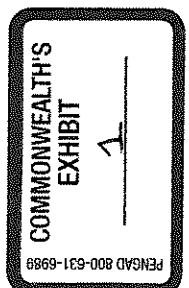
**BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA**

In the matter of)
Russell Evans Cummings, RN) **ORDER TO REVOKE PRIVILEGE TO PRACTICE**
Certificate # 0001208967)

Pursuant to the authority vested Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter referred to as the Board) **REVOKES** the RN Compact License as granted through the Nurse Licensure Compact of Russell Evans Cummings, for violation of the North Carolina Nursing Practice Act

1. Russell Evans Cummings is the holder of RN Certificate # 0001208967, issued by the Commonwealth of Virginia and due to expire on May 31, 2013.
2. Mr. Cummings was employed at the Pitt County Memorial Hospital in Greenville, North Carolina working on the Medical ICU (MIU) from 7a to 7p from July 12, 2010 until his termination on June 24, 2011 - working on his Privilege to Practice as granted through the Nurse Licensure Compact. By agreeing to work on his Privilege to Practice as granted through the Nurse Licensure Compact, the licensee agreed to comply with all the laws, rules and regulations of practice promulgated by the Board in the party states in which he chose to practice.
3. An investigation was begun in the hospital after a Morphine 2 mg. tubex was found in the bathroom on the MIU on or about May 27, 2011 at approximately 6:30 pm, Mr. Cummings was one of three (3) nurses working that area at the time, and when his records for the shift were reviewed, there were three (3) discrepancies noted. The discrepancies identified at that time were:
 - a. Mr. Cummings had a delay in wasting and documenting Morphine
 - b. Mr. Cummings had no accountability for waste for 1 mg of Morphine
 - c. Mr. Cummings removed Versed for a patient without a physician's order for the medication.
4. Resulting from this information, a more extensive accountability audit was conducted on Mr. Cummings' documentation and sign-outs of controlled substances, for the previous ninety (90) days (March through May 2010). There were fifty-two (52) transactions audited; and twenty (20) discrepancies identified for a 39% discrepancy rate. The discrepancies included, but may not be limited to:
 - a. Controlled substances were signed out without a physician's order - 9 times
 - b. Controlled substances were signed out without there being documentation on the Medication Administration Records to substantiate administration of the drug to the patient - 10 times
 - c. Controlled substances were signed out without there being accountability for waste - 1 time.
5. Other documentation discrepancies demonstrating poor practice were also identified in the audit. These discrepancies included, but may not be limited to:
 - a. There were significant delays in documentation of a controlled substance after it was removed from the automated dispensing system until it was documented as given (in one instance up to 8 hours)
 - b. There were delays in the returns/or wasting of controlled substances.
6. When questioned in the agency, Mr. Cummings admitted he was guilty of late charting. He stated that he spent most of his time with the patients and put charting until last. In explaining why he might have pulled medications for patients without physician's orders, he stated that he recalled that sometimes he helps with conscious sedation and the physician will have them bring medications into the room for a procedure, but the orders are not always entered afterwards. In explaining why there might be a delay in return/wasting of narcotics, he stated that sometimes the physicians will ask the nurses to get ready for a the procedure, but they change their minds after

Cummings



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the medications are drawn up. He said that he sometimes puts a note in the progress notes regarding wasting the medication when things were canceled. "I know this doesn't excuse it, but it is such a high acuity unit (in response to his documentation discrepancies)." Mr. Cummings admitted that he needs to pay more attention to his documentation and that looking at the audit, he could see that things were not looking good. Although he offered no excuses for his narcotic discrepancy issues, he stated that he felt the environment on the unit contributed to the types of problems identified.

7. It is the responsibility of the nurse to ensure that there is clear and accurate documentation regarding the accountability of narcotics.
 8. The investigation determined that Mr. Cummings had violated G.S. 90-171.37 (4) (5) (6) (7) and (8) and as further identified in Regulation 21 NCAC 36.0217 (c) (11) and (22).
 9. Therefore, the Privilege to Practice as granted through the Nurse Licensure Compact for Russell Evans Cummings is hereby **REVOKED** and the licensee must **IMMEDIATELY CEASE AND DESIST** from the practice of nursing in North Carolina.
 10. In accordance with Chapter 150B of the General Statutes, the licensee is entitled to a "Show Cause" Hearing before a majority of the members of the Board to determine why the Board should not take further action because of the licensee's failure to comply with the probationary conditions, including imposing further discipline.
 11. The licensee is entitled to be represented by counsel and to present evidence and witnesses/testimony on the licensee's behalf.
 12. Pursuant to North Carolina General Statute Section 150B-40(d), the licensee may not communicate, directly or indirectly, with any individual member of the Board about this matter. If the licensee or legal representative has questions, they should contact Donna H. Mooney, RN, MBA, Manager for Discipline Proceedings.
 13. If the licensee is disputing the fact that the violations as alleged did occur, the licensee must file a written objection with the Board within ten (10) business days of the date of the notice of violations to Russell Evans Cummings. The notice must contain with specificity the violations being disputed.
 14. When the licensee has properly filed notice of objections with the Board, then the licensee will be notified of the exact date and time for the "Show Cause" Hearing. The Hearing will be held at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.
 15. Failure to return the written objection within the designated time period will be construed to mean the licensee is not contesting the matter and all further proceedings to which the licensee is otherwise entitled by law are hereby waived.
- The license will then remain revoked until the licensee requests in writing the opportunity to appear before the Licensure Committee to petition for issuance of a license to practice in North Carolina.
16. This ORDER to REVOKE will be placed in the licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.

**BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA**

In the matter of)

Russell Evans Cummings, RN)

Certificate # 0001208967)

ORDER TO REVOKE PRIVILEGE TO PRACTICE

17. By not contesting the violations contained in this ORDER, the licensee is waiving the rights to a "Show Cause" Hearing, to challenge the validity of this ORDER and to any further proceedings to which the licensee may be entitled by law.
18. By contesting the violations contained in this ORDER, the licensee is requesting a "Show Cause" Hearing to be scheduled before a majority of the members of the Board or before the Board's Hearing Committee.

The licensee understands that a written objection with the specific violations/charges being disputed must be received within ten (10) business days of the date of this notice.

The subject of the "Show Cause" Hearing shall be limited to the specific reasons for which the probationary license was suspended/revoked.

When the licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

19. In accordance with G.S. 90-171.27 (d) and Board policy derived therefrom, a fee may be assessed for disciplinary matters. A "Show Cause" Hearing is considered a discipline matter.

FAILURE TO RETURN THE ATTACHED PAGE WITHIN TEN (10) BUSINESS DAYS WILL RESULT IN THE LICENSEE WAIVING ALL RIGHTS TO CHALLENGE THE VALIDITY OF THIS ORDER OR TO ANY OTHER PROCEEDINGS TO WHICH THE LICENSEE MAY OTHERWISE BE ENTITLED BY LAW.

This the 2nd day of August, 2011



Julia L. George, RN, MSN, FRE
Executive Director
North Carolina Board of Nursing