

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JULIA A. McKINNIS, R.N.
License No.: 0001-136083**

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 16, 2014, in Henrico County, Virginia, to inquire into evidence that Julia A. McKinnis, R.N., may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on March 26, 2013. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. McKinnis 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 Conclusions of Law.

FINDINGS OF FACT

1. Julia A. McKinnis, R.N., was issued License No. 0001-136083 to practice professional nursing in the Commonwealth of Virginia on December 16, 1993. Said license was indefinitely suspended by the Board on March 26, 2013, with said suspension stayed contingent upon Ms. McKinnis' compliance with certain terms and conditions. By letter dated May 8, 2014, the stay of suspension was summarily rescinded. Her primary state of residence is Virginia.

2. By Order entered March 26, 2013, the Board indefinitely suspended Ms. McKinnis' license to practice professional nursing with said suspension stayed contingent upon entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP"). The action was based upon findings that during the

course of Ms. McKinnis' employment as owner and administrator of Angel Wings Home Care ("Angel Wings"), she diverted oxycodone (Schedule II) from a client and on at least one occasion, she placed Lortab (hydrocodone, Schedule III) in the client's pill dispenser.

3. On April 25, 2014, Ms. McKinnis was dismissed from the HPMP due to noncompliance. Specifically, the HPMP committee determined that Ms. McKinnis returned to a position in a healthcare setting without HPMP approval.

4. On July 7, 2014, in the Circuit Court of Pittsylvania County, Virginia, Ms. McKinnis was convicted of misdemeanor obtaining drugs by fraud, due to the above-referenced diversion. She was sentenced to ten days in jail, suspended, placed on unsupervised probation for twelve months and ordered to pay fines and court costs totaling \$570.00.

5. Ms. McKinnis testified that she had not returned to work at Angel Wings; she stated that Angel Wings is a family owned business, so she was in the office to work on the computer for personal paperwork and had not returned to work. She was waiting for approval to look for work and had not yet received it. Ms. McKinnis stated that she desires to return to work solely in an administrative capacity.

6. Ms. McKinnis stated that she has completed all probation associated with the conviction cited in Finding of Fact no. 4, as that misdemeanor conviction was a reduction of her previous felony conviction.

7. The Board found Ms. McKinnis' testimony to be credible.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of Term No. 5 of the Board Order entered March 26, 2013.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.

ORDER

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

follows:

1. License No. 0001-136083, issued to Julia A. McKinnis, R.N., to practice professional nursing in the Commonwealth of Virginia is CONTINUED on INDEFINITE SUSPENSION.

2. The license of Ms. McKinnis will be recorded as SUSPENDED and no longer current. Should Ms. McKinnis seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

3. At such time as Ms. McKinnis shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.

4. This Order shall be applicable to Ms. McKinnis' multistate licensure privileges, if any, to practice professional nursing.

5. Said suspension shall be STAYED upon proof that Ms. McKinnis has re-entered the HPMP and upon the condition that she remain compliant with the following terms and conditions:

a. Ms. McKinnis shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Julia A. McKinnis, R.N., and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. McKinnis is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

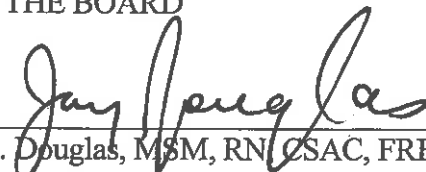
ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

6. Upon receipt of evidence of Ms. McKinnis' participation in and successful completion of the terms specified by the HPMP, the Committee, at its discretion, may waive her appearance before the Committee, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order shall be applicable to Ms. McKinnis' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. McKinnis may 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.

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

August 20th, 2014
ENTERED

Certified True Copy

By draham
Virginia Board Of Nursing

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.