

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: VICKI SINCLAIR, R.N.
License No.: 0001-082639**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on April 11, 2013, in Henrico County, Virginia. Vicki Sinclair, R.N. was not present nor was she represented by legal counsel. Janet Younger, R.N., Ph.D., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Sinclair was not present nor was she represented by legal counsel.

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. Vicki Sinclair, R.N., was issued License No. 0001-082639 to practice professional nursing in Virginia on September 1, 1981. The license is scheduled to expire on December 31, 2013. Her primary state of residence is Virginia.

2. By letter dated March 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Sinclair notifying her that an informal conference would be held on April 11, 2013. The Notice was sent by certified and first class mail to 159 Kingsbury Drive, Waynesboro, Virginia 22980, the address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board's office. The first class mail was not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Sinclair, and the informal conference proceeded in her absence.

3. During the course of Ms. Sinclair's employment as a professional nurse with SouthernCare Hospice, Harrisonburg, Virginia, on March 27 and 28, 2012, she failed to provide nursing care for three patients and falsely documented patient care visits by forging the signatures of the patients' caregivers. When initially confronted by her supervisor about the signatures, Ms. Sinclair denied the forgery. When the supervisors showed Ms. Sinclair the evidence that the signatures were not hers, Ms. Sinclair admitted to forging the signatures and immediately resigned her position.

4. On October 31, 2012, Ms. Sinclair abruptly resigned her position from Tassco Home Health, Charlottesville, Virginia. After she resigned, a Medicaid audit of Tassco Home Health revealed that numerous charts for Ms. Sinclair's visits were missing. Ms. Sinclair indicated that she had the charts and would return them to Tassco, but she failed to do so.

5. In 2010, Ms. Sinclair's employment with Mollen Immunization Clinics, Scottsdale, Arizona, for whom she was working at one of the clinics in Virginia, was terminated for a no call/no show.

6. Ms. Sinclair responded to the Department of Health Professions investigator's request for an interview, but she did not appear for the interview and left a telephone message that she could not make the appointment. Ms. Sinclair did not respond to the investigator's multiple telephone messages to reschedule the interview.

CONCLUSIONS OF LAW

Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-082639 of Vicki Sinclair, R.N., is INDEFINITELY SUSPENDED for not less than two years.
2. The license will be recorded as suspended and no longer current.

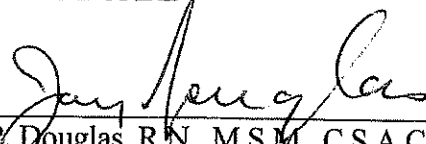
3. At such time as Ms. Sinclair shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Sinclair shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice professional nursing in the Commonwealth of Virginia.

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.

Since Ms. Sinclair failed to appear at the informal conference, this Order shall be considered final. Ms. Sinclair has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Sinclair has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD:


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

Certified True Copy

By 
Virginia Board of Nursing

Entered: June 14TH, 2013