

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: Kymberly D. McCune, R.M.A.
 Registration No.: 0031-003645**

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 17, 2013, in Henrico County, Virginia. Kymberly D. McCune, R.M.A., was not present nor was she represented by legal counsel. Judith E. Piersall, R.N., B.S.N., 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. McCune 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. Kymberly D. McCune, R.M.A., was issued Registration No. 0031-003645 to practice as a medication aide in Virginia on November 19, 2009. The registration is scheduled to expire on September 30, 2013.

2. By letter dated March 5, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. McCune notifying her that an informal conference would be held on April 17, 2013. The Notice was sent by certified and first class mail to 68 Dehaven Drive, Richmond, Virginia 23238, the address of record on file with the Board of Nursing. The certified mail receipt was signed by Ms. McCune on March 19, 2013; the first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. McCune and the informal conference

proceeded in her absence.

3. During the course of her employment with Morningside of Bellgrade, Midlothian, Virginia, on June 11, June 25, and July 30, 2012, Ms. McCune presented fraudulent letters with the forged signature of a healthcare practitioner to her employer requesting that she be placed on light duty due to high blood pressure. Ms. McCune's employment was terminated effective August 3, 2012.

4. On November 26, 2012, in the Circuit Court of Chesterfield County, Virginia, Ms. McCune pled guilty and was convicted of two counts of obtaining money by false pretenses, a misdemeanor, as a result of the above-referenced incidents. Ms. McCune was sentenced to 24 months incarceration, suspended, and ordered to pay court costs. No information was provided regarding the payment of the court costs.

5. On November 29, 2012, during an interview with an investigator from the Department of Health Professions, Ms. McCune denied writing the letters but admitted to knowing that they were forged. She reported being employed as a private sitter. Her employment history includes being laid off at Lynnmore and quitting without notice/terminated at Morningside West End.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-60-120(2)(e) of the Regulations Governing the Registration of Medication Aides.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Kymberly D. McCune, R.M.A., is hereby REPRIMANDED.


2. Registration No. 0031-003645 of Kymberly D. McCune, R.M.A., is INDEFINITELY SUSPENDED.

3. The registration will be recorded as suspended and no longer current.
4. At such time as Ms. McCune shall petition the Board for reinstatement of her registration, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a medication aide. Ms. McCune shall be responsible for any fees that may be required for the reinstatement and renewal of the registration prior to issuance of the registration to resume practice.

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. McCune failed to appear at the informal conference, this Order shall be considered final. Ms. McCune 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. McCune 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

Entered: May 31st, 2013

Certified True Copy

By 
Virginia Board Of Nursing