

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

SUSAN FONTANA, L.P.N.

ORDER

Pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-3010 of the Code of Virginia (1950), as amended, a Special Conference Committee of the Board of Nursing (the "Committee") met on February 13, 2003, in Henrico County, Virginia, to receive and act upon evidence that Susan Fontana, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in Virginia. Ms. Fontana was not present and was not represented by an attorney.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Susan Fontana, L.P.N., holds License No. 0002-049880 issued by the Virginia Board of Nursing.
2. During the course of Ms. Fontan's employment at Southerland Place, Midlothian, Virginia:
  - a. Ms. Fontana has violated § 54.1-3007(2) of the Code of Virginia (1950) as amended (the Code), and 18 VAC 90-20-300(A)(2)(e) of the Board of Nursing Regulations, in that, by her own admission, Ms. Fontana was employed in the capacity of a licensed practice nurse, and Ms. Fontana used the L.P.N. designation, from April 30, 2001 through December 22, 2001. During that period, Ms. Fontana's practical nurse license was expired. As a result, Ms. Fontan's employment was terminated.
  - b. Ms. Fontana has violated § 54.1-3007(2) of the Code in that on or about May 31, 2001, Ms Fontana received an employee memorandum that stated "Room 619-Bed found at 7 a.m. made up wet." The memorandum noted this same problem was addressed with Ms. Fontana previously.

- c. Ms. Fontana has violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Board of Nursing Regulations, in that on or about December 21, 2000, Ms. Fontana falsified her application for employment. Ms. Fontana stated that she had not been convicted of a felony, or within the last five (5) years a misdemeanor, which resulted in imprisonment; when, in fact, Ms. Fontana had misdemeanor convictions that resulted in imprisonment in December 1999, August 2000, and September 2000.
3. Ms. Fontana has violated § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Board of Nursing Regulations, in that, on or about March 15, 2002, Ms. Fontana's employment with Nurse Finders, Richmond, Virginia, was terminated, due to her forging a time slip, indicating that she had worked a complete shift, when, after receiving payment, Ms. Fontana admitted that she did not work a complete shift.
4. Ms. Fontana has violated § 54.1-3007(2) and (4) of the Code in that Ms. Fontana received various misdemeanor convictions as noted below:
- a. On or about April 10, 2002, in Chesterfield County General District Court, Chesterfield, Virginia, Ms. Fontana was convicted of issuing checks, drafts or orders for payment, in violation of § 18.2-181, having an aggregate represented value of \$200.00 or more drawn upon the same account, a misdemeanor.
- b. On or about April 10, 2002, in Chesterfield County General District Court, Chesterfield, Virginia, Ms. Fontana was convicted of intent to defraud, make, draw, utter or deliver a check in the amount of \$208.99 made payable to Target Stores knowing that there were insufficient funds in her checking account, a misdemeanor.
- c. On or about September 25, 2000, in Chesterfield County General District Court, Chesterfield, Virginia, Ms. Fontana was convicted two (2) counts of failing to pay restitution, a misdemeanor.

- d. On or about August 21, 2000, in Chesterfield County General District Court, Chesterfield, Virginia, Ms. Fontana was convicted of the intent to defraud, make, draw, utter, or deliver a check in the amount of \$125.39, to USA Baby, knowing at the time there were insufficient funds in her checking account, a misdemeanor.
- e. On or about February 17, 2000, in Chesterfield County General District Court, Chesterfield, Virginia, Ms. Fontana was convicted of not paying or having an agreement in place regarding storage of a boat or other watercraft, with the intent to defraud, a misdemeanor.
- f. On or about December 27, 1999, in Chesterfield County General District Court, Chesterfield, Virginia, Ms. Fontana was convicted of trespassing, a misdemeanor.
- g. On or about April 10, 2002, in Chesterfield County General District Court, Chesterfield, Virginia, Ms. Fontana was convicted of the intent to defraud, make, draw, utter, or deliver a check in the amount of \$31.08, to COSTCO, knowing at the time there were insufficient funds in her checking account, a misdemeanor.
- h. On or about July 23, 1998, in Chesterfield County General District Court, Chesterfield, Virginia, Ms. Fontana was convicted of issuing a worthless check in violation of 18.2-181 having an aggregate represented value of less than \$200.00, a misdemeanor.


#### ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Susan Fontana, L.P.N, who holds License No. 0002-049880 to practice practical nursing in the Commonwealth of Virginia, be and hereby is, REPRIMANDED. FURTHER, it is hereby ORDERED that Ms. Fontana pay a monetary penalty of one hundred and fifty dollars (\$150.00) to the Board within thirty (30) days of the entry of this Order. The Board expects Ms. Fontana to maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of Title 54.1, Chapter 30, of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.

Pursuant to § 2.2-4023 of the Code of Virginia (1950), as amended, 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.

If Ms. Fontana does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, in writing at 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1712 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three day period unless a request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing as provided in § 2.2-4020 and § 2.2-4021 of the Code of Virginia (1950), as amended.

FOR THE BOARD

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

ENTERED: March 14<sup>th</sup> 2003

CERTIFICATE OF SERVICE

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Susan Fontana, L.P.N., at 13719 Kentucky Derby Court, Midlothian, Virginia 23112.

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

ENTERED: March 14<sup>th</sup>, 2003

Certified True Copy  
By [Signature] 3/14/03  
Virginia Board of Nursing