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COMMONWEALTH of VIRGINIA

VA BD OF NURSING

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

November 14, 2017

Tonja Michelle Downs, C.N.A.
3102 Chesapeake Dr. Unit 104
Dumfries, VA 22026

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 11/14/17

RE: Certificate Number: 1401-121884
Case Number: 183960

Dear Ms. Downs:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your certificate to practice as a nurse aide in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered November 14, 2017. You are hereby advised that you may not practice as a nurse aide or hold yourself out as a certified nurse aide unless and until the Board of Nursing has notified you in writing that your certificate has been reinstated. Please return your certificate to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your certificate, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your certificate shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at www.dhp.virginia.gov/Nursing.

If you have any questions about this matter, you can contact me at (804) 367-4474 or anne.joseph@dhp.virginia.gov.

Sincerely,

Anne Joseph, Deputy Director
Administrative Proceedings Division

cc: Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Virginia Board of Nursing
Enclosures

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: TONJA MICHELLE DOWNS, C.N.A.
Certificate Number: 1401-121884
Case Number: 183960


ORDER OF MANDATORY SUSPENSION

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that Tonja Michelle Downs, C.N.A., was convicted of fifteen felony offenses, to wit: five counts of forgery of a public record; five counts of obtain money/property by false pretenses; and five counts of false statement, in the Circuit Court of the City of Fredericksburg, Virginia. A certified copy of the Conviction and Sentencing order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the certificate of Tonja Michelle Downs, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the certificate of Tonja Michelle Downs, C.N.A., will be recorded as suspended and no longer current and valid. Should Ms. Downs seek reinstatement of her certificate pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the certificate prior to issuance of the certificate to resume practice.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, 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 or copying on request.



David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED:

11/14/17

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Conviction and Sentencing Order entered September 19, 2017, regarding Tonja Michelle Downs, C.N.A., is a true copy of the records received from the Circuit Court of the City of Fredericksburg, Virginia.



David E. Brown, D.C.

11/17/17

Date



VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF FREDERICKSBURG

FIPS 630

Hearing Date: September 13, 2017

Judge: The Honorable Gordon F. Willis

COMMONWEALTH OF VIRGINIA

v.

Case No(s): CR17-611 thru CR17-625

TONJA M. DOWNS

DOB:

SSN:

SEX:

ORIGINAL CHARGES:

Offense Tracking Number	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
630CR1700061100	FRD-2519-F4	18.2-168	CR17000611-00
Offense Date: 11/30/2015	Description: FORGERY OF A PUBLIC RECORD		FELONY
630CR1700061200	FRD-2743-F9	18.2-178	CR17000612-00
Offense Date: 11/30/2015	Description: OBTAIN MONEY/PROP - FALSE PRET		FELONY
630CR1700061300	FRD-3337-F9	32.1-314	CR17000613-00
Offense Date: 11/30/2015	Description: FALS STMT APP PYMT MED ASST		FELONY
630CR1700061400	FRD-3337-F9	32.1-314	CR17000614-00
Offense Date: 12/07/2015	Description: FALS STMT APP PYMT MED ASST		FELONY
630CR1700061500	FRD-2519-F4	18.2-168	CR17000615-00
Offense Date: 12/07/2015	Description: FORGERY OF A PUBLIC RECORD		FELONY
630CR1700061600	FRD-2743-F9	18.2-178	CR17000616-00
Offense Date: 12/07/2015	Description: OBTAIN MONEY/PROP FALSE PRET		FELONY
630CR1700061700	FRD-2519-F4	18.2-168	CR17000617-00
Offense Date: 12/14/2015	Description: FORGERY OF A PUBLIC RECORD		FELONY
630CR1700061800	FRD-2743-F9	18.2-178	CR17000618-00
Offense Date: 12/14/2015	Description: OBTAIN MONEY/PROP FALSE PRET		FELONY
630CR1700061900	FRD-3337-F9	32.1-314	CR17000619-00
Offense Date: 12/14/2015	Description: FALS STMT APP -PYMT MED ASST		FELONY

630CR1700062000	FRD-2519-F4	18.2-168	CR17000620-00
Offense Date: 12/21/2015	Description: FORGERY OF A PUBLIC RECORD		FELONY
630CR1700062100	FRD-2743-F9	18.2-178	CR17000621-00
Offense Date: 12/21/2015	Description: OBTAIN MONEY/PROP FALSE PRET		FELONY
630CR1700062200	FRD-3337-F9	32.1-314	CR17000622-00
Offense Date: 12/21/2015	Description: FALS STMT APP -PYMT MED ASST		FELONY
630CR1700062300	FRD-2519-F4	18.2-168	CR17000623-00
Offense Date: 12/28/2015	Description: FORGERY OF A PUBLIC RECORD		FELONY
630CR1700062400	FRD-2743-F9	18.2-178	CR17000624-00
Offense Date: 12/28/2015	Description: OBTAIN MONEY/PROP FALSE PRET		FELONY
630CR1700062500	FRD-3337-F9	32.1-314	CR17000625-00
Offense Date: 12/28/2015	Description: FALS STMT APP PYMT MED ASST		FELONY

CONVICTED OF:

Offense Tracking Number	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
630CR1700061100	FRD-2519-F4	18.2-168	CR17000611-00
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Offense Date: 12/28/2015	Description: OBTAIN MONEY/PROP FALSE PRET		FELONY
630CR1700062500	FRD-3337-F9	32.1-314	CR17000625-00
Offense Date: 12/28/2015	Description: FALS STMT APP PYMT MED ASST		FELONY

PRESENT:

Commonwealth's Attorney: Kevin D. Gross
 Defense Attorney: Allen F. Bareford, Public Defender
 Defendant

CONVICTION AND SENTENCING ORDER

The Defendant was previously arraigned, and after being advised by counsel, entered pleas of not guilty to the charges, and waived her right to trial with a jury, with the concurrence of the Attorney for the Commonwealth and of the Court, here entered of record.

The Court was advised by the Defendant, her counsel, and the Attorney for the Commonwealth that the Defendant would plead guilty to the Indictments pursuant to a plea agreement, which agreement, in writing, was presented to the Court and filed herein. Thereupon the Defendant was re-arraigned and, after private consultation with, and being advised by her counsel, pleaded guilty to the Indictments, which pleas were tendered by the accused in person.

The Court, having made inquiry and being of the opinion that the accused fully understood the nature and the effects of her pleas and of the penalties that may be imposed upon her conviction and of the waiver of trial by jury and of appeal, found that the pleas were voluntarily and intelligently made.

The Court, having heard the evidence as stated by the Attorney for the Commonwealth and stipulated to by the Attorney for the Defendant, does accept said agreement and the pleas of guilty of the Defendant. On the pleas of guilty and the evidence presented, it is the judgment of the Court that the Defendant is guilty of five (5) counts Forgery of a Public Record, five (5) counts Obtaining Money or Property by False Pretense (Felony), and five (5) counts False Statement in Application for Payment Under Medical Assistance as charged in the Indictments.

Pursuant to the provisions of Virginia Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

It being demanded of the Defendant if anything she had or knew to say why judgment should not be pronounced against her according to the law, and nothing being offered or alleged in delay of judgment, it is accordingly the judgment of the Court that the Defendant is hereby sentenced in accordance with the aforementioned plea agreement to Confinement

In the Virginia Department of Corrections penal system for a period as follows:

CR17-611: Two (2) years with one (1) year ten (10) months suspended

CR17-612: One (1) year with eleven (11) months suspended

- CR17-613: One (1) year with ten (10) months suspended**
- CR17-614: One (1) year with eleven (11) months suspended**
- CR17-615: Two (2) years with one (1) year ten (10) months suspended**
- CR17-616: One (1) year with eleven (11) months suspended**
- CR17-617: Two (2) years with one (1) year ten (10) months suspended**
- CR17-618: One (1) year with eleven (11) months suspended**
- CR17-619: One (1) year with eleven (11) months suspended**
- CR17-620: Two (2) years with one (1) year ten (10) months suspended**
- CR17-621: One (1) year with eleven (11) months suspended**
- CR17-622: One (1) year with eleven (11) months suspended**
- CR17-623: Two (2) years with one (1) year ten (10) months suspended**
- CR17-624: One (1) year with eleven (11) months suspended**
- CR17-625: One (1) year with eleven (11) months suspended**

These sentences shall run consecutively to each other and to any other sentences imposed in any other proceeding or Jurisdiction unless expressly set forth above.

The suspension of the sentence is conditioned upon the following:

Good behavior. The Defendant shall be of good behavior for a period of ten (10) years upon sentencing.

Supervised probation. Upon her release from confinement, the Defendant is ordered placed on indefinite supervised probation under the supervision of a Probation Officer for a period of time not to exceed ten (10) years. The Defendant shall comply with all the rules and requirements set by the Probation Officer, to include drug and alcohol screens, and follow all recommended courses of treatment.

Costs. The Defendant shall pay the costs of these proceedings within thirty (30) days, including any court appointed attorney fees, unless a payment plan is submitted and accepted by the Clerk.

Restitution. The Defendant shall pay restitution Virginia Department of Medical Assistance Services in the amount of \$4, 644.20 in accordance with the restitution plan submitted to the court with interest pursuant to Virginia Code §19.2-305.4.

It is further understood and agreed that the Defendant, as a condition of these suspended sentences and plea agreement, waives her Fourth Amendment rights against unreasonable searches and seizures at any time and by any law enforcement officer during a period of five (5) years from this date.

Pursuant to Va. Code §§ 32.1-314(C) and 32.1-325(D), it is further understood and agreed that the defendant is excluded from acting as a Medicaid provider.

The Commonwealth agrees not to bring other earlier Medicaid fraud, false pretenses, and forgery charges relating to this incident (the Turner family: starting in October 2014).

Credit for time served. The Defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Virginia Code §53.1-187.

The Defendant shall provide a blood, saliva or tissue sample for DNA analysis pursuant to Virginia Code Section §19.2-310.2 et seq. at or under the auspices of the Rappahannock Regional Jail within a reasonable time after incarceration in the manner prescribed by law, unless a sample was previously taken. The Defendant is ordered to cooperate fully and promptly in providing information and permitting sampling of blood, saliva or tissue, as required by this order.

The Court certifies that at all times during the trial of this case, the Defendant was personally present and her attorney was likewise personally present and capably represented the Defendant.

The Defendant is remanded to the custody of the Sheriff.

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: Twenty (20) years

TOTAL SENTENCE SUSPENDED: Five (5) years one hundred fifty nine (159) months

TOTAL ACTIVE TIME: Twenty-one (21) months

Entered THIS 19 day of September, 2017



Gordon F. Willis

JUDGE

FREDRICKSBURG CITY CIRCUIT COURT
A COPY TESTE: JEFF SMALL, CLERK

BY: Irania ER, DC
DEPUTY CLERK

JEFF SMALL, CLERK
COPY TESTE: JEFF SMALL, CLERK, FREDRICKSBURG CIRCUIT COURT
ELECTRONIC CERTIFICATION MADE PURSUANT § 17.1-258.3 & 17.1-258.4

Irania Estrada-Rubio
Nov 7 2017 3:05 PM

