

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: REBECCA TOLBERT, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-053554**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on October 27, 2014 in Henrico County, Virginia, to receive and act upon Rebecca Tolbert’s application for reinstatement of her license to practice as a practical nurse in Virginia and to inquire into evidence that Ms. Tolbert may have violated certain laws governing nursing practice. Ms. Tolbert was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Rebecca Tolbert was issued License No. 0002-053554 to practice as a practical nurse in the Commonwealth of Virginia on September 26, 1996. Said license was suspended by Order of the Board entered March 7, 2008. Ms. Tolbert’s primary state of residence is Virginia.
2. By letter dated October 1, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Tolbert notifying her that an informal conference would be held on October 27, 2014. The Notice was sent by certified and first class mail to Post Office Box 155, Belle Haven, Virginia, 23306, the address of record on file with the Board of Nursing.
3. Ms. Tolbert submitted an application for reinstatement of her license to practice as a practical nurse which was received by the Board on February 18, 2014.

4. By Order entered March 7, 2008 the Board ordered Ms. Tolbert to remain in compliance with the Health Practitioners' Monitoring Program ("HPMP", formerly the Health Practitioners' Intervention Program). Ms. Tolbert was dismissed from the program in April 2008 for noncompliance. She failed to enter and complete treatment as recommended, continued to use cocaine and alcohol, failed to submit urine toxicology screens and failed to submit monthly reports. At the time of her dismissal she was diagnosed with alcohol dependence, cocaine dependence and Post Traumatic Stress Disorder.

5. On February 13, 2008 Ms. Tolbert was convicted of one count of driving under the influence in the General District Court for Accomack County, Virginia. At the time of her arrest her blood alcohol content was 0.16. She was sentenced to 35 days in jail with 30 days suspended. She was ordered to pay a fine of \$500.00 and complete the VASAP Program and her license was suspended for a period of one year.

6. In February 2009 Ms. Tolbert was discharged from the Eastern Shore Community Services Board substance abuse treatment program for noncompliance with treatment.

7. Ms. Tolbert reported that her date of sobriety is March 2008, however records obtained from her primary care physician indicate she continued to use alcohol and "weekend binge drinking" as late as September 2012. Ms. Tolbert indicated the last time she used cocaine was March 2008. Ms. Tolbert indicated her drug of choice was cocaine and her alcohol of choice was liquor. She admits she does occasionally drink beer with her friends.

8. Ms. Tolbert has re-entered the HPMP as of October 16, 2014. She does not currently receive counseling and she is not currently prescribed any medications.

9. Ms. Tolbert has not worked as a nurse since 2007; she would like to pursue employment in a long-term care facility.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 4, 5, 6, and 7 constitute a violation of §54.1-3007(6) of the Code.

2. Based on the above Findings of Fact, the Committee concludes that Ms. Tolbert is properly enrolled in the Health Practitioners' Monitoring Program ("HPMP").

3. The Committee concludes that Ms. Tolbert otherwise meets the requirements of § 54.1- 3017 of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The license of Rebecca Tolbert, L.P.N., is hereby REINSTATED contingent upon Ms. Tolbert's continued compliance with the HPMP.

2. This order shall be applicable to Ms. Tolbert's multistate licensure privilege, if any, to practice as a practical nurse. For the duration of this Order, Ms. Tolbert shall not work outside 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 Ms. Tolbert wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Tolbert, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Tolbert shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Tolbert is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Tolbert involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Tolbert has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Tolbert's participation in and compliance with the HPMP, the

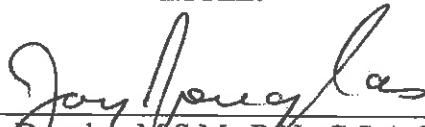
Board, at its discretion, may waive Ms. Tolbert's appearance before the Board and conduct an administrative review of this matter.

4. Ms. Tolbert shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Tolbert may, not later than 5:00 p.m., on December 22, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

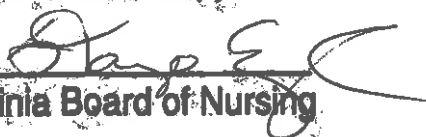


Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: November 19th 2014

This Order shall become final on December 22, 2014, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing