

The burden rests upon Ms. Davis, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice of professional nursing in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Davis' license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Theshema C. Davis, L.P.N., may have violated § 54.1-3007(4) of the Code in that on or about August 11, 2010, she was sentenced for her conviction of two felony counts of child neglect in the Circuit Court of the City of Virginia Beach, Virginia, on April 26, 2010. These convictions formed the basis for the suspension of her license by the Department of Health Professions.

2. Ms. Davis may be in violation of § 54.1-3007(6) of the Code in that she may be unable to safely practice nursing as evidenced by the following:

a. She has received diagnoses of alcohol dependence, major depressive disorder and post traumatic stress disorder.

b. On or about February 5, 2010, she was convicted of driving under the influence in the City of Virginia Beach, Virginia General District Court.

c. On or about June 22, 2005, she was convicted of driving under the influence in the City of Norfolk, Virginia General District Court.

3. Ms. Davis may have violated § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing in that on her application for reinstatement of her license to practice practical nursing, she answered “no” to the question whether she had a chemical dependency condition which could interfere with her current ability to practice nursing, when, in fact, she suffers from substance abuse and mental health issues as referenced above.

FOR THE BOARD



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

ENTERED: January 3RD, 2012