VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

THESHEMA C. DAVIS, L.P.N. REINSTATEMENT APPLICANT LICENSE NO.: 0002-063622

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Theshema C. Davis, L.P.N., who, prior to its mandatory suspension by the Department of Health Professions on July 19, 2011, held License No. 0002-063622 to practice practical nursing in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on January 25, 2012, at 1:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Davis will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Davis has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Davis desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the <u>Instructions</u> for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Davis' application for reinstatement of her license to practice practical nursing in Virginia, and to inquire into evidence that Ms. Davis may have violated certain laws governing nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

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.

Notice of Formal Hearing - Theshema C. Davis, L.P.N. Reinstatement Applicant Page 3 of 3

FOR THE BOARD

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

Board of Nursing