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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: **LINDA S. TOOMBS, L.P.N.**
License No.: 0002-035246

AMENDED CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on December 8, 2014, in Henrico County, Virginia, to inquire into evidence that Linda S. Toombs, L.P.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Toombs was not present and was not represented by legal counsel.

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

FINDINGS OF FACT

1. Linda S. Toombs, L.P.N., was issued License No. 0002-035246 to practice as a practical nurse in the Commonwealth of Virginia on November 30, 1984. Said license expires on September 30, 2016. Her primary state of residence is Virginia.
2. By letter dated November 13, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Toombs notifying her that an informal conference would be held on December 8, 2014. The Notice was sent by certified and first class mail to 6050 Shiloh Place, Mechanicsville, Virginia 23111, the address of record on file with the Board of Nursing.
3. During the course of her employment with Crossen Family Practice, Richmond, Virginia, between August 2012 and April 2013, Ms. Toombs fraudulently obtained prescriptions for various controlled

substances for herself and a family member by electronically submitting prescription refill requests using the pass-code and computer of the physician in the practice without his permission.

4. On April 17, 2013, Ms. Toombs attempted to obtain a fraudulent prescription for hydrocodone 10/325 (Schedule III) by presenting a prescription to Lee Davis Pharmacy, Mechanicsville, Virginia, on which one of her family members was listed as the patient and the signature of the prescribing physician was forged.

5. On her application for employment with Autumn Care of Mechanicsville, Mechanicsville, Virginia, dated July 11, 2013, Ms. Toombs stated that her reason for leaving employment with Memorial Regional Medical Center, Mechanicsville, Virginia, was due to a “change in management,” when, in fact, her employment was terminated on November 17, 2010, based on her inability to work within the scope of her LPN license, her lack of sound judgment, and her continued absenteeism.

6. On her application for employment with Ashland Nursing and Rehabilitation Center, Ashland, Virginia, submitted in July 2013, Ms. Toombs stated that her reason for leaving employment with Memorial Regional Medical Center was due to a “change in management,” when, in fact, her employment was terminated on November 17, 2010, as referenced above.

7. Ms. Toombs was charged with obtaining drugs by fraud, a felony, in the Circuit Court of Hanover, County, Virginia. On November 25, 2013, Ms. Toombs was given first offender status with the disposition deferred for one year.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute violations of § 54.1-3007(2), (3), and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Findings of Fact Nos. 5 and 6 constitutes violations of § 54.1-3007(2), (3), and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

CONSENT

Linda S. Toombs, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0002-035246 of Linda S. Toombs, L.P.N., is INDEFINITELY SUSPENDED for a period of not less than one year.
2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Toombs shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Toombs shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice practical nursing.

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 upon request.

FOR THE BOARD



Jane Ingalls, R.N., Ph.D. Joyce A. Hahn, Ph.D., RN, NEA-BC, ENAP
President, Virginia Board of Nursing

ENTERED: _____

3-24-15

SEEN AND AGREED TO:

Linda S. Toombs L.P.N.
Linda S. Toombs, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Hanover, TO WIT: Linda Gail Toombs

Subscribed and sworn to before me, Ashley Uhler, a Notary Public, this 20th day of February, 2015.

My Commission expires NOV. 30, 2017.

Registration Number #7565737

Ashley D. Uhler
NOTARY PUBLIC

ASHLEY D. UHLER
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES NOV. 30, 2017
COMMISSION # 7565737

Certified True Copy

By draham
Virginia Board Of Nursing