

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KIMBERLY JOY TURNER, R.N.
License Number: 0001-220745
Case Number: 163905

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on September 21, 2016, in Henrico County, Virginia, to inquire into evidence that Kimberly Joy Turner, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Kimberly Joy Turner, R.N., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated August 19, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Turner notifying her that a formal administrative hearing would be held on September 21, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the U.S.P.S. tracking website, the Notice sent by certified mail was returned to sender after the package was unclaimed when the maximum hold time had expired. The Notice sent by first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Turner and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On August 10, 2009, the Board issued License Number 0001-220745 to Kimberly Joy Turner, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license expired on August 31, 2016. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. During the course of her employment with The Brambles group home, North, Virginia, between September 2014 and June 2015:

a. Ms. Turner's co-workers noted that she appeared impaired at work, including falling asleep during meetings, sleeping in her office, coming to work late and disheveled, and slurring her speech.

b. In January 2015, Ms. Turner returned to the facility at approximately 1:30 a.m., when she was not on duty, and removed a patient's discontinued narcotics for her personal and unauthorized use. Ms. Turner also removed the controlled drug disposition form for these medications.

3. As a result of these incidents and other performance issues including lack of communication with patient family members and staff and medication errors, Ms. Turner's employment with The Brambles was suspended on June 4, 2015 and then terminated on June 12, 2015 after nine months of employment.

4. Ms. Turner received outpatient treatment for substance abuse and dependence from March to May, 2015 at Chesapeake Counseling Associates, Gloucester, Virginia.

5. In an interview with an investigator for the Department of Health Professions on September 28, 2015, Ms. Turner falsely stated that she had never been diagnosed with or treated for alcohol or drug problems when, in fact, she was diagnosed with and received treatment for alcohol,

opioid, and sedative/ hypnotic dependence at Chesapeake Counseling Associates from March to May, 2015.

6. Ms. Turner provided false information in connection with the following employment applications:

a. In connection with her application for employment with The Brambles, dated September 9, 2014, Ms. Turner submitted a resume that omitted her employment with Riverside Water Reed Hospital, Gloucester, Virginia, where she had been employed from July 8, 2014, until her termination on August 25, 2014.

b. On her application for employment with Envoy of Williamsburg, Williamsburg, Virginia, dated June 17, 2015, Ms. Turner indicated that her reason for leaving The Brambles was “no management structure,” when, in fact, her employment had been terminated on June 12, 2015. In addition, Ms. Turner omitted her employment with and termination from Riverside Walter Reed Hospital.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2(a) constitutes a violation of Virginia Code § 54.1-3007(5) and (6).
2. Finding of Fact No. 2(b) constitutes a violation of Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”).
3. Finding of Fact No. 4 constitutes a violation of Virginia Code § 54.1-3007(6).
4. Finding of Fact No. 5 constitutes a violation of Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(n) of the Regulations.

5. Findings of Fact Nos. 6(a) and 6(b) constitute a violation of Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

6. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Turner's health records or health services.

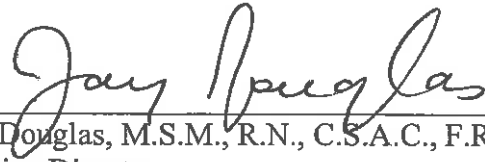
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The right of Kimberly Joy Turner, R.N., to renew her license to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Ms. Turner will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Ms. Turner seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Turner to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Turner shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license 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 and copying upon request.

FOR THE BOARD



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

ENTERED AND MAILED ON:

October 6th, 2016

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By draham
Virginia Board Of Nursing