

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           KIMBERLY JOY TURNER, R.N.**  
**License Number:           0001-220745**  
**Issue Date:                August 10, 2009**  
**Expiration Date:           August 31, 2016**  
**Case Number:              163905**

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**NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing (“Board”) regarding your license to practice professional nursing in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board of Nursing.
<b>DATE AND TIME:</b>	<b>September 21, 2016 1:00 P.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Suspend your license;
- Revoke your license.

**ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

**RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

**COMMONWEALTH'S EXHIBIT:**

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

**FILING DEADLINES:**

1. Deadline for filing exhibits: **September 2, 2016**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference must be resubmitted for consideration by the Board at the formal hearing.

2. Deadline for filing motions, including motions for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: **September 2, 2016**. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

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**STATEMENT OF ALLEGATIONS**

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The Board of Nursing alleges that:

1. At all times relevant hereto, Kimberly Joy Turner, R.N. was licensed to practice professional nursing in the Commonwealth of Virginia.

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

a. Kimberly Joy Turner, R.N. violated Virginia Code § 54.1-3007(5) and (6) in that co-workers noted that she appeared to be impaired at work, including falling asleep during meetings, sleeping in her office, coming to work late and disheveled, and slurring her speech.

b. Ms. Turner violated 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”) in that in or about January 2015, she 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. Ms. Turner violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice nursing due to substance abuse or dependence, for which she received outpatient treatment from March to May, 2015 at Chesapeake Counseling Associates.

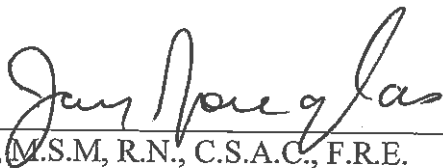
4. Ms. Turner violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(n) of the Regulations in that in an interview with an investigator for the Department of Health Professions on September 28, 2015, she falsely stated that she had never been diagnosed with or treated for alcohol or drug problems 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.

5. Ms. Turner violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that she 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 Walter Reed Hospital, 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, 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.

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.



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

August 19<sup>TH</sup>, 2016  
Date