

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**DONNA M. TUCKER, C.N.A. APPLICANT**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on March 21, 2016, in Henrico County, Virginia, to receive and act upon the application of Donna M. Tucker for certification by examination as a nurse aide and to inquire into evidence that Ms. Tucker may have violated certain laws governing nurse aide practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Tucker was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

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

**FINDINGS OF FACT**

1. Donna M. Tucker submitted an application for certification by examination as a nurse aide, which was received by the Board on July 8, 2015.
2. On June 3, 1999, in the Circuit Court of Colonial Heights, Virginia, Ms. Tucker was convicted of one count of felony forgery and one count of felony uttering. On May 2, 2000, March 26, 2002, and October 12, 2004, Ms. Tucker was convicted on each occasion of two counts of felony probation violation regarding the underlying forgery and uttering charges.
3. Between 1999 and 2005, in the Circuit Court and/or the General District Court for Petersburg, Virginia, Ms. Tucker was convicted of two counts of felony possession of a controlled substance (i.e., cocaine) and five counts of misdemeanor possession of drug paraphernalia.

4. Ms. Tucker testified that her sobriety date is June 9, 2004. She told the Board that she has been attending multiple support group meetings, including narcotics anonymous, and that she has a sponsor and is a sponsor. Ms. Tucker told the Board that she has been working as a recovery coach at District 19 Community Services Board since December 14, 2015.

5. Ms. Tucker told the Board that she is no longer in active addiction. She testified that she is happy when she can help others and help herself to stay clean. She stated that she is not around drugs anymore, and knows that there are alternative, positive coping skills that do not include drug abuse.

6. Ms. Tucker recognized that she can make and attain goals, which she was unable to do when she was using crack cocaine. She told the Board that she has always wanted to be involved in nursing.

7. Governor Robert McDonnell restored Ms. Tucker's civil rights on September 5, 2012.

#### CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
3. Donna M. Tucker otherwise meets the requirements of § 54.1-3023 of the Code.

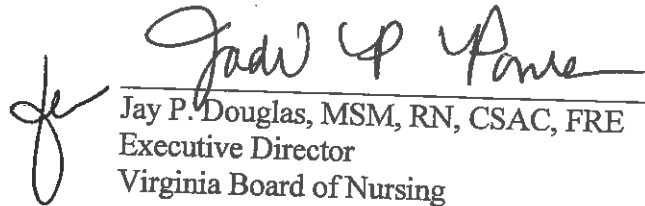
#### ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Donna M. Tucker for certification as a nurse aide is hereby APPROVED. Upon successful completion of the NNAAP examination, Ms. Tucker shall be issued an unrestricted certificate to practice as a nurse aide in the Commonwealth.
2. Donna M. Tucker is hereby REPRIMANDED.
3. Ms. Tucker shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 on request.

FOR THE BOARD

  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

April 6, 2016  
ENTERED

**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 P. Douglas, MSM, RN, CSAC, FRE, 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   
Virginia Board Of Nursing