

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: REBECCA WARNER, C.N.A. REINSTATEMENT APPLICANT
Certificate No.:1401-147470**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on August 11, 2015, in Henrico County, Virginia, to receive and act upon Rebecca Warner’s application for reinstatement of her certificate to practice as a nurse aide in Virginia, and to inquire into evidence that Ms. Warner may have violated certain laws and regulations governing nurse aide practice. Ms. Warner was not present and was not represented by counsel.

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

FINDINGS OF FACT

1. Rebecca Warner, C.N.A., was issued Certificate No. 1401-147470 to practice as a nurse aide in the Commonwealth of Virginia on August 26, 2011. Said certificate expired on August 31, 2014.
2. On May 22, 2015, Ms. Warner submitted an application for reinstatement of her certification to practice as a nurse aide in the Commonwealth of Virginia.
3. By letter dated July 16, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Warner notifying her that an informal conference would be held on August 11, 2015. The Notice was sent by certified and first class mail to 145 Della Jones Drive, Dryden, Virginia 24243, the address of record on file with the Board of Nursing. On July 21, 2015, Ms. Warner accepted the Notice sent by certified mail. As of August 11, 2015, the Notice sent by first class mail had not been returned to the Board Office. The

Committee Chair concluded that adequate notice was provided to Ms. Warner and the informal conference proceeded in her absence.

4. On August 17, 2011, Ms. Warner was convicted of concealment/price alteration, a misdemeanor, in the Wise County and City of Norton, Virginia, General District Court.

5. On January 13, 2013, Ms. Warner was convicted of concealment/price alteration in the Lee County, Virginia, General District Court.

6. Ms. Warner admitted that she was addicted to oxycontin (C-II) in 2001 and 2002. On August 11, 2004, Ms. Warner was convicted of possession of a Schedule IV controlled substance, a misdemeanor, in the Lee County General District Court. On June 19, 2013, Ms. Warner was convicted of public swearing and intoxication in the Lee County General District Court. Finally, on February 10, 2014, Ms. Warner was drinking and contemplating suicide and was subsequently arrested for domestic assault and endangerment with a firearm; the case was not prosecuted contingent upon her seeking counseling.

7. On her application for certification by examination, received by the Board on July 28, 2011, Ms. Warner answered “NO” to the question “Have you ever been convicted of, pled guilty to or pled no contest to the violation of any federal, state, or other law constituting a felony or misdemeanor excluding traffic violations except convictions involving driving while intoxicated (DWI) or driving under the influence (DUI)?” when, in fact, she was convicted of possession of a controlled substance as evidenced in Finding of Fact No. 6.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 4 and 5 constitute a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.
3. Finding of Fact No. 7. Constitutes a violation of § 54.1-3007(1) and (5) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides.

4. The Committee concludes that Ms. Warner has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS that the application of Rebecca Warner for reinstatement of her certificate to practice as a nurse aide in Virginia is DENIED.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Warner may, not later than 5:00 p.m., on October 6, 2015, notify Jay P. 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, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

Melvin Mitchell-Lundy
for Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: September 3, 2015

This Order shall become final on October 6, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By J. Swales
Virginia Board of Nursing