

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: FRANCES L. LEHNER, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-134735

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 17, 2015, in Henrico County, Virginia, to receive and act upon the application of Frances L. Lehner for reinstatement of her certificate to practice as a nurse aide in Virginia and to inquire into evidence that Ms. Lehner may have violated certain laws governing nurse aide practice. Ms. Lehner was present and was not represented by legal counsel.

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

FINDINGS OF FACT

1. Frances L. Lehner was issued Certificate No. 1401-134735 to practice as a nurse aide in the Commonwealth of Virginia on January 26, 2010. Said certificate expired on January 31, 2015.
2. By letter dated July 8, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Lehner notifying her that an informal conference would be held on August 17, 2015. The Notice was sent by certified and first class mail to 2825 Rady Street, Richmond, Virginia 23222, the address of record on file with the Board of Nursing.
3. Ms. Lehner submitted an application for reinstatement of her certificate to practice as a nurse aide which was received by the Board on May 26, 2015.
4. Ms. Lehner was hospitalized on April 27, 2014, December 5, 2014 and March 15, 2015, for substance abuse and mental illness. Ms. Lehner has been diagnosed with bipolar disorder.

5. On the application for reinstatement dated May 22, 2015, Ms. Lehner answered “no” to the question, “do you have a mental, physical, or chemical dependency condition which could interfere with your current ability to practice as a nurse aide,” when, in fact, she has been diagnosed with bipolar disorder and hospitalized as indicated above.

6. Ms. Lehner reported that she is in active treatment at Rubicon Hope and expects to be there for a minimum of six months. Her last use of an illegal street drug was heroin, in March 2015.

7. Ms. Lehner was unaware of significant dates and diagnoses regarding her hospitalizations. Ms. Lehner was unable to provide a complete medication list, but did state that she is on Seroquel and lithium. Ms. Lehner does not have a sponsor and does not have a strong support system.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 4 and 6 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides.
3. The Committee concludes that Frances L. Lehner 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 Frances L. Lehner 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. Lehner may, not later than 5:00 p.m., on **October 5, 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.

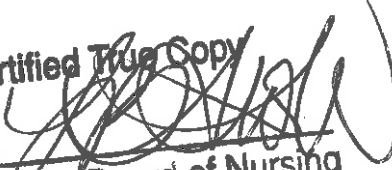
FOR THE COMMITTEE:



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

ENTERED: August 31ST 2015

This Order shall become final on **October 5, 2015**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing