

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TABITHA TILLER, L.P.N.
License No.: 0002-073697

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on October 17, 2012, in Henrico County, Virginia. Tabitha Tiller, L.P.N., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 14, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Tiller was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Tabitha Tiller, L.P.N., was issued License No. 0002-073697 to practice practical nursing in Virginia on June 26, 2006. The license expired on November 9, 2012. Her primary state of residence is Virginia.

2. By letter dated September 20, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Tiller notifying her that an informal conference would be held on October 17, 2012. The Notice was sent by certified and first class mail to 122 Clarendon Circle, Danville, Virginia 24541, the address of record on file with the Board of Nursing. The Notice sent by certified mail was returned to the Board office marked "not deliverable, unable to forward." The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was

provided to Ms. Tiller and the informal conference proceeded in her absence.

3. During the course of her employment with Roman Eagle Memorial Home, Danville, Virginia, in August and September 2011, Ms. Tiller diverted Lortab (hydrocodone, Schedule III) from resident supplies for her personal and unauthorized use and falsely documented in the residents' Medication Administration Records that she had administered the medications to the residents. Three alert and oriented residents of the facility denied receiving narcotic pain medications from Ms. Tiller at times that she had documented giving them. Ms. Tiller was suspended pending the outcome of the facility's investigation into this matter and resigned her employment on September 29, 2011.

4. In an interview with an investigator for the Department of Health Professions on November 28, 2011, Ms. Tiller denied taking residents' Lortab or having an addiction to Lortab. She is under the care of a rheumatologist for a diagnosis of psoriatic arthritis, for which she is prescribed Lortab. However, Ms. Tiller admitted that she had a substance abuse problem but refused to disclose the name of the substance to which she was addicted. She also stated that she had a "nervous breakdown" after leaving Roman Eagle. She admitted that she was not safe to practice nursing at the present time.

5. On February 2, 2012, Ms. Tiller was admitted to Danville Regional Medical Center Emergency Department via a temporary detention order after having been found unconscious, on the ground, at a hotel. See Confidential Attachment A for further information.

6. She was discharged on February 6, 2012, with recommendations to follow up with the Community Services Board ("CSB") and attend AA/NA meetings. In an interview with the Department of Health Professions investigator on February 28, 2012, the Community Services Board case manager stated that she had tried to contact Ms. Tiller to schedule an appointment for outpatient therapy but that she had not heard from Ms. Tiller.

7. As of the date of the informal conference, Ms. Tiller had not contacted the Health

Practitioners' Monitoring Program.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.
2. Findings of Fact #s 4 and 5 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-073697 of Tabitha Tiller, L.P.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Tiller shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Tiller shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice practical nursing in the Commonwealth of Virginia.
5. This suspension shall be STAYED upon proof of Ms. Tiller's entry into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Tiller shall comply with all terms and conditions for the period specified by the HPMP.
 - b. Any violation of the terms and conditions stated in this Order shall be reason for

summarily rescinding the stay of indefinite suspension of the license of Ms. Tiller, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

- i. She is not in compliance with the terms and conditions specified by the HPMP;
- ii. Her participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against her involving a violation of law, regulation, or any term or condition of this Order.

6. Upon receipt of evidence of Ms. Tiller's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Tiller's appearance before a Committee and conduct an administrative review of this matter, at which time he/she may be issued an unrestricted license.

7. This Order is applicable to Ms. Tiller's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Tiller shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

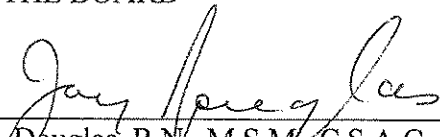
8. Ms. Tiller shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 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 a public record, and shall be made available for public

inspection and copying upon request.

Since Ms. Tiller failed to appear at the informal conference, this Order shall be considered final. Ms. Tiller has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Tiller has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Entered: December 18th, 2012