

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TABITHA JENKINS, L.P.N.
License No.: 0002-086609

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Tabitha Jenkins, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Jenkins' license to practice practical nursing in Virginia.

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on April 21, 2015 in Henrico County, Virginia, to inquire into evidence that Ms. Jenkins may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Jenkins was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Tabitha Jenkins, L.P.N., was issued License No. 0002-086609 to practice practical nursing in the Commonwealth of Virginia on February 21, 2012. Said license is set to expire on March 31, 2016. Ms. Jenkins' primary state of residence is Virginia.
2. By letter dated March 23, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Jenkins notifying her that an informal conference would be held on April 21, 2015 at 1:00 p.m. The Notice was sent by certified and first class mail to 712 Meta Pointe, Chesapeake, Virginia, 23323, the

address of record on file with the Board of Nursing. On April 7, 2015, an Amended Notice was sent by certified and first class mail to Ms. Jenkins' address of record on file with the Board of Nursing.

3. During the course of her employment as Director of Resident Services/Director of Nursing with Dominion Village at Chesapeake, Chesapeake, Virginia, between January 2014 and July 2014, Ms. Jenkins diverted Percocet (oxycodone, C-II) tablets from a resident's supply for her own personal and/or unauthorized use, as evidenced by the following:

a. On an unknown date between February 2014 and April 2014, Ms. Jenkins repeatedly texted a nurse on duty requesting that she be notified when the Percocet was delivered. Ms. Jenkins instructed the nurse to place the medication on her desk and file the blue delivery manifest in the back of the nurse's pharmacy folder following delivery. Later that evening, Ms. Jenkins arrived at Dominion Village, when she was not assigned to work, and removed the recently delivered 150 tablets of Percocet from the facility without authorization.

b. On May 15, 2014, May 29, 2014, June 23, 2014 and July 15, 2014, Ms. Jenkins called the resident's physician and specifically requested prescriptions for Percocet to be faxed directly to Dominion Village. Ms. Jenkins then faxed or called the prescription into the pharmacy. The resident did not require the medication and the medication had been discontinued. Between January 2014 and July 2014, approximately 1,650 tablets of Percocet were delivered by the pharmacy; however, only 1 tablet was documented as being administered to the resident. In addition, on multiple occasions Ms. Jenkins requested nurses on duty to place narcotics received by delivery in locations other than the designated secure narcotic box.

4. At the informal conference, Ms. Jenkins stated that she accepts responsibility for the diversion of Percocet from the facility and that she used the medication for her personal use to get away from what was going on in her life at the time. Ms. Jenkins denied that she was an addict but she agreed that between

January 2014 and July 2014, she could have been viewed as an addict. Ms. Jenkins denied that she had any substance abuse treatment and she stated that she stopped using narcotic medication on her own. Ms. Jenkins stated that the last time she used the diverted Percocet was months prior to the informal conference. Ms. Jenkins stated that in April 2014, she realized that she needed help and that the actions she took and text messages she sent to fellow nurses were in an effort to get caught and reach out for help.

5. Ms. Jenkins resigned from Dominion Village on July 29, 2014, during the facility's investigation related to the missing Percocet tablets.

6. Ms. Jenkins has been employed at Family Medicine Healthcare, a private medical practice, since September 2014. At the informal conference, Ms. Jenkins stated that she does not have access to any medications.

7. Ms. Jenkins stated that she has not entered into the Health Practitioners' Monitoring Program but that she is willing to enter into the program.

8. On her application for licensure as a practical nurse in the Commonwealth of Virginia, dated February 6, 2012, Ms. Jenkins falsely answered "no" to the question pertaining to prior criminal convictions. On March 19, 2009, Ms. Jenkins was convicted of one count of misdemeanor littering in the City of Chesapeake, Virginia, General District Court. At the informal conference, Ms. Jenkins stated that she was not aware that the littering charge was a misdemeanor offense; she stated that she thought the charge was a moving violation and did not intentionally falsify her nursing application.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and (b) constitute a violation of §54.1-3007(2), (3), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (k) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Based on the above Findings of Fact, the Committee concludes that Ms. Jenkins is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

3. Finding of Fact No. 8 constitutes a violation of §54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.

CONSENT

Tabitha Jenkins, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0002-086609 of Tabitha Jenkins, L.P.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Jenkins 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 nursing. Ms. Jenkins 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.

5. This suspension shall be STAYED upon proof of Ms. Jenkins' entry into the HPMP and compliance with a Recovery Monitoring Contract with 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. Jenkins 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. Jenkins, 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. Ms. Jenkins is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Jenkins' participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Jenkins involving a violation of law, regulation, or any term or condition of this order.


6. Upon receipt of evidence of Ms. Jenkins' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Jenkins' appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. Jenkins' multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Jenkins 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. Jenkins' 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 §§ 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 upon request.

FOR THE BOARD



Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President, Virginia Board of Nursing

ENTERED: July 14, 2015

SEEN AND AGREED TO:

Tabitha Jenkins, L.P.N.
Tabitha Jenkins, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Chesapeake, TO WIT:

Subscribed and sworn to before me, Yolanda M. Kazmar a Notary Public, this 7th day of July, 2015.

My commission expires August 31, 2017.

Registration Number 256174.

Yolanda M. Kazmar
NOTARY PUBLIC



Certified True Copy

By dgraham
Virginia Board Of Nursing