

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TABITHA LYNN JENKINS, L.P.N.
License Number: 0002-086609
Case Number: 172685

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on July 18, 2016, in Henrico County, Virginia, to inquire into evidence that Tabitha Lynn Jenkins, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Tabitha Lynn Jenkins, L.P.N. did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated June 24, 2016, the Board of Nursing sent a Notice of Formal Hearing (“Notice”) to Ms. Jenkins notifying her that a formal administrative hearing would be held on July 18, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board on June 29, 2016. The Notice sent by first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Jenkins and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. Tabitha Jenkins, L.P.N. holds License No. 0002-086609 to practice practical nursing in the Commonwealth of Virginia. At all times relevant hereto, said license was in full force and effect. By Order of the Board (“Board’s Order”) entered July 14, 2015, Ms. Jenkins’ license was indefinitely suspended, with the suspension stayed contingent upon certain terms and conditions. The stay of suspension was summarily rescinded on March 16, 2016. Ms. Jenkins’ primary state of residence is Virginia.

2. By Order entered July 14, 2015, the Board indefinitely suspended Ms. Jenkins’ license with the suspension stayed contingent on her entry into and compliance with the Health Practitioners’ Monitoring Program (“HPMP”). The Order was based on findings that Ms. Jenkins had diverted Percocet (oxycodone, C-II) while working at the Dominion Village at Chesapeake, Chesapeake, Virginia.

3. Ms. Jenkins signed a Participation Contract with the HPMP on May 6, 2015. Ms. Jenkins signed a Recovery Monitoring Contract with the HPMP on July 6, 2015 and August 20, 2015.

4. Ms. Jenkins was compliant while in the program, except for one dilute drug screen and one missed group therapy appointment.

5. On January 19, 2016, Ms. Jenkins resigned from HPMP and her resignation was accepted by the program on February 8, 2016.

6. Ms. Jenkins’ stay of suspension was summarily rescinded by the Board on March 16, 2016.

CONCLUSIONS OF LAW

Finding of Fact No. 5 constitutes a violation of Virginia Code § 54.1-3007(6) and Term Number 5 of the Board's Order.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Tabitha Lynn Jenkins is REPRIMANDED.
2. The license issued to Tabitha Lynn Jenkins to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
3. The license will be recorded as SUSPENDED.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. Should Tabitha Lynn Jenkins seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Tabitha Lynn Jenkins to demonstrate that she is safe and competent to return to the practice of practical nursing. Tabitha Lynn Jenkins shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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.

FOR THE BOARD



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

ENTERED AND MAILED ON:

August 3, 2016

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 , 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 *d. Graham*
Virginia Board Of Nursing