



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

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Virginia Board of Nursing  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
FAX (804) 527-4455

April 7, 2015

### AMENDED NOTICE OF INFORMAL CONFERENCE

Tabitha Jenkins, L.P.N.  
712 Meta Pointe  
Chesapeake, Virginia 23323

**CERTIFIED MAIL**  
**9414726699042028468362**

**Re: VA License No.: 0002-086609**  
**Expiration Date: March 31, 2016**

Dear Ms. Jenkins:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), **on April 21, 2015 at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee (“Committee”), which is comprised of at least two members of the Virginia Board of Nursing (“Board”), will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. You may have violated §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”) in that, during the course of your employment as Director of Resident Services/Director of Nursing with Dominion Village at Chesapeake, Chesapeake, Virginia, between or about January 2014 and July 2014, you diverted Percocet (oxycodone, Schedule II) tablets from a resident’s supply for your own personal and/or unauthorized use, as evidenced by the following:

a. On an unknown date between February 2014 and April 2014, you repeatedly texted a nurse on duty requesting that you be notified when the Percocet was delivered. You instructed the nurse to place the medication on your desk and file the blue delivery manifest in the back of the nurse’s pharmacy

folder following delivery. Later that evening you arrived at Dominion Village, when you were not assigned to work, and removed the recently delivered 150 tablets of Percocet from the facility without authorization.

b. On or about May 15, 2014, May 29, 2014, June 23, 2014 and July 15, 2014, you called the resident's physician and specifically requested prescriptions for Percocet to be faxed directly to Dominion Village. You then faxed or called the prescription into the pharmacy. The resident did not require the medication and the medication had been discontinued. Between or about 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 you requested nurses on duty to place narcotics received by delivery in locations other than the designated secure narcotic box.

2. You may have violated §54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations in that on your application for licensure as a practical nurse dated February 6, 2012, you falsely answered "no" to the question pertaining to prior criminal convictions. You were convicted of one count of misdemeanor littering in the City of Chesapeake, Virginia, General District Court, on March 19, 2009.

In its deliberations, the Committee may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice practical nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you;
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the

Tabitha Jenkins, L.P.N.  
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conference, please inform this office at (804) 367-4576, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by April 13, 2015. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case.

**These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice, can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Sincerely,



Gloria D. Mitchell-Lively, R.N., M.S.N., M.B.A.  
Deputy Executive Director

GML/dg

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Special Conference Committee Members  
Wendy Deaner, Adjudication Specialist  
J.W. Turner, Senior Investigator (Case No. 158435)  
Peggy Wood, Monitoring Program Coordinator