

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:        LOTTIE TUCKER, R.N.  
              License No.: 0002-044169**

**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 February 24, 2015, in Henrico County, Virginia. Lottie Tucker, L.P.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 20, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Tucker 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. Lottie Tucker, L.P.N., was issued License No. 0002-044169 to practice practical nursing in Virginia on May 29, 1991. The license is scheduled to expire on October 31, 2015. Ms. Tucker's primary state of residence is Virginia.
2. By letter dated February 3, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Tucker notifying her that an informal conference would be held on February 24, 2015. The Notice was sent by certified and first class mail to 20209 Oakland Avenue, Colonial Heights, Virginia 23834, the address of record on file with the Board of Nursing. As of February 24, 2015, the Notice sent by certified mail had not been claimed by Ms. Tucker at the post

office. As of February 24, 2015, the Notice sent by first class mail had not been returned to the Board office. On February 19, 2015, an Amended Notice was sent by overnight mail to Ms. Tucker to her address of record. As of February 24, 2015, the Amended Notice had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Tucker and the informal conference proceeded in her absence.

3. On three occasions between May 19, 2014 and August 15, 2014, Ms. Tucker was admitted to CJW Medical Center, Tucker Pavilion, Richmond, Virginia, with auditory hallucinations and a Global Assessment of Functioning score of 30, which is described as behavior that is considerably influenced by delusions or hallucinations or serious impairment in communication or judgment. Further, Ms. Tucker has been diagnosed with bipolar disorder. On November 13, 2014, Ms. Tucker was diagnosed with post traumatic stress disorder and Bipolar 1.

4. Term (5) of the Order of the Board Order entered September 30, 2014 (“Board’s Order”) required Ms. Tucker to have an evaluation by a mental health specialist satisfactory to the Board and have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and prognosis sent to the Board due on November 14, 2014. The Board has not received the evaluation.

5. Term (7) of the Board’s Order required Ms. Tucker to submit self-reports, with the first report due on November 29, 2014. Ms. Tucker has failed to submit her self-reports to the Board.

6. On September 9, 2014, Ms. Tucker’s sister stated to the investigator for the Department of Health Professions that Ms. Tucker had not worked since May 2014, and opined that Ms. Tucker was not well enough to practice practical nursing.

7. On September 29, 2014, a care provider with the Chesterfield, Virginia, Community Services Board stated to the investigator for the Department of Health Professions that Ms. Tucker was

unsafe to practice practical nursing because she was easily confused.

8. On September 12, 2014, during an appointment with the Chesterfield Community Services Board, Ms. Tucker reported that her auditory hallucinations had decreased, and they “were not as loud, not as demanding, and not as mean”.

9. Ms. Tucker is not currently enrolled in the Health Practitioners’ Monitoring Program and was not interviewed by the DHP investigator.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Findings of Fact Nos. 4 and 5 constitute a violation of Terms 5 and 7 of the Board’s Order entered September 30, 2014.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-044169 of Lottie Tucker to practice practical nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Tucker 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. Tucker 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. Ms. Tucker is hereby REPRIMANDED.

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. Tucker failed to appear at the informal conference, this Order shall be considered final. Ms. Tucker 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. Tucker has 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, M.S.M., R.N., C.S.A.C., F.R.E., 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 days are added to that period.

FOR THE BOARD

*Gloria Mitchell-Lively*  
for Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

Entered: May 27, 2015

Certified True Copy

By *[Signature]*  
Virginia Board of Nursing