

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: GRACE C. TOMLINSON, C.N.A.  
Certificate No.: 1401-158807**

**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 March 12, 2015, in Henrico County, Virginia. Grace C. Tomlinson, C.N.A., was present and was not represented by legal counsel. Jodi P. Power, R.N., J.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. Tomlinson 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. Grace C. Tomlinson, C.N.A., was issued Certificate No. 1401-158807 to practice as a nurse aide in Virginia on March 27, 2013. The certificate is scheduled to expire on March 31, 2015.
2. By letter dated February 9, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Tomlinson notifying her that an informal conference would be held on March 12, 2015. The Notice was sent by certified and first class mail to 2016 Sherwood Avenue, Roanoke, Virginia 24015, the address of record on file with the Board of Nursing.
3. During the course of her employment at Friendship Assisted Living, Roanoke, Virginia, from December 2013 to July 15, 2014, Ms. Tomlinson accepted, for her personal and unauthorized

use, narcotic medications that were diverted by another co-worker. By her own admission, Ms. Tomlinson crushed and snorted the diverted Lortab (hydrocodone, Schedule II) while on duty. During this time period, Ms. Tomlinson also snorted heroin on at least two occasions and routinely smoked marijuana, but not while on duty.

4. Ms. Tomlinson's employment at Friendship Assisted Living was terminated on July 15, 2014, for refusing to submit to a probable cause drug screen. She had been employed there since July 2013.

5. On the employment application for Friendship Retirement Community dated July 17, 2013, Ms. Tomlinson stated her reason for leaving Richfield Retirement was because her mother was sick. However, she stated to the Department of Health Professions investigator that she was terminated from that employment in May 2013, after testing positive for THC on a urine drug screen obtained after a back injury.

6. Ms. Tomlinson refused to submit to a urine drug screen when requested by the Department of Health Professions investigator because she said it would be positive for marijuana.

7. At the informal conference, Ms. Tomlinson acknowledged that she is an addict and that her drug of choice is opiates. Ms. Tomlinson admitted that she was under the influence of drugs numerous times at Friendship Assisted Living, but she never considered herself to be impaired while on duty. She has not received any substance abuse treatment and does not attend any Alcoholics Anonymous or Narcotics Anonymous support group meetings. Ms. Tomlinson last received mental health treatment at The Center for Emotional Wellness in December 2013, where she was diagnosed with bipolar disorder. She is not on any prescription medications.

8. Ms. Tomlinson has been employed as a companion with At Home Caregivers since October 2014. This employer is not aware of her drug and employment termination history.

9. Ms. Tomlinson stated that she does not plan to renew her certificate when it expires on March 31, 2015. She submitted a written statement voluntarily surrendering her certificate to practice as a nurse aide, at the conclusion of the informal conference.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-25-100(2)(c) of the Regulations Governing Certified Nurse Aides ("Regulations").

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of the right of Grace C. Tomlinson, C.N.A., to renew Certificate No. 1401-158807.

2. The certificate will be recorded as suspended and no longer current.

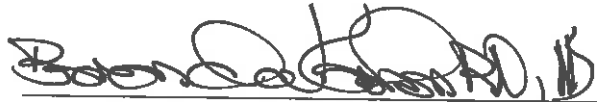
3. At such time as Ms. Tomlinson shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a nurse aide. Ms. Tomlinson shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Tomlinson may, not later than 5:00 p.m., on June 23, 2015, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of

Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

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

ENTERED: May 26, 2015

This Order shall become final on June 23, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board Of Nursing