

3. On September 1, 2010, Ms. Howard was convicted of theft of government property in the United States District Court, Eastern District of Virginia, Richmond Division, specifically by failing to report her income during the period from February 2003 until February 2008. Ms. Howard reported that she was unemployed in order to be eligible to have her monthly rent waived and receive a monthly stipend from a government subsidized housing program. Ms. Howard was sentenced to six months incarceration and upon her release from prison, Ms. Howard was placed on three years of supervised probation and was ordered to pay restitution in the amount of \$35,595.00, in installments of \$100.00 per month. Ms. Howard is reported to be in compliance with her probationary terms.

4. Ms. Howard testified that she knowingly failed to report her income, in addition to failing to report the fact that her husband was living in the apartment during a portion of the time in question. Ms. Howard testified that she initiated the artifice based upon a conversation with a friend. Ms. Howard is currently unemployed.

5. Ms. Howard stated that she was employed as a certified nurse aide with Ruxton of Westover Hills/Envoy Health Care Center from 1995 through 2010 when her employment was terminated due to possible patient abuse. No Board action was taken due to the intervening mandatory suspension of her certificate on November, 2010. Ms. Howard was subsequently employed at the Beth Sholom Home until her incarceration and is eligible for re-hire.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of 54.1-3007(4) of the Code.
2. Ms. Howard has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that Certificate No. 1401-057879 issued to Tanika Howard to practice as a nurse aide in the Commonwealth of Virginia, be and hereby is REINSTATED on INDEFINITE PROBATION, subject to the following terms and conditions:

1. The period of probation shall begin on the date that Ms. Howard becomes employed as a certified nurse aide.
2. Ms. Howard shall inform the Board in writing within ten (10) days of the date she begins nurse aide practice, or changes employment, or if any interruption in nurse aide practice occurs. Additionally, Ms. Howard shall provide the name and address of each employer to the Board.
3. Ms. Howard shall inform her nurse aide employer and each future nurse aide employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Howard is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
4. Ms. Howard shall request her court appointed probation officer to provide the Board with a written report describing how she is meeting the conditions of her probation within sixty (60) days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.
5. Ms. Howard shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than sixty (60) days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.
6. The Board shall issue a certificate marked "Probation with Terms."


7. Ms. Howard shall remain in compliance with the terms of her probation and terms for paying the court ordered restitution.

8. Ms. Howard shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

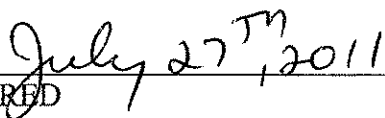
9. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nurse aides in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the certificate of Ms. Howard and an administrative proceeding shall be convened to determine whether such certificate shall be suspended or revoked.

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 on request.

FOR THE BOARD



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



ENTERED

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 Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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.