

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: TONIA M. GILMER, C.N.A.
 Certificate No.: 1401-079230**

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 August 19, 2014 in Henrico County, Virginia. Ms. Gilmer was present and was not represented by legal counsel. Nancy K. Durrett, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Gilmer was present and was not 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. Tonia M. Gilmer, C.N.A. was issued Certificate No. 1401-079230 to practice as a nurse aide in Virginia on July 10, 1999. The certificate is scheduled to expire on July 31, 2015.
2. By letter dated July 30, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gilmer notifying her that an informal conference would be held on August 19, 2014. The Notice was sent by certified and first class mail to 3757 Angela Drive, Richmond, Virginia 23224, the address of record on file with the Board of Nursing.
3. During the course of Ms. Gilmer's employment with Lucy Corr Village Health Care Center, Chesterfield, Virginia, on November 26, 2013, Ms. Gilmer, by her own admission, without the

assistance of another staff member and using the wrong mechanical lift, transferred a resident, whose care plan stated that she required two persons to transfer her.

4. On the following day, it was discovered that the resident had a fracture of the right tibia. The resident stated that she had been dropped, but Ms. Gilmer denied that she had dropped the resident. The Director of Nursing stated that she believed the fracture was due to use of the wrong lift which exerted pressure on the knee.

5. Ms. Gilmer's employment was terminated. She has been working full time at Envoy of Richmond, Richmond, Virginia, since February 2014.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of §54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Tonia M. Gilmer, C.N.A. is hereby REPRIMANDED.
2. Ms. Gilmer 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.

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. Gilmer may, not later than 5:00 p.m., on **December 29, 2014**, 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:


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

ENTERED: November 25th, 2014

This Order shall become final on December 29, 2014; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing