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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TAMBERLYN RUSSELL, C.N.A., R.M.A. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Tamberlyn Russell, C.N.A., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Russell's application for registration to practice as a medication aide in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Tamberlyn Russell, C.N.A., was issued Certificate No. 1401-060092 on June 16, 1996. Said certificate is set to expire on January 26, 2013.
2. Ms. Russell submitted an application for registration by examination as a medication aide, which was received by the Board on August 3, 2012.
3. Ms. Russell completed the 68-hour medication management course provided by Cedarfield Pharmacy, Richmond, Virginia, on July 19, 2012.
4. On January 26, 2009, Ms. Russell's certificate to practice as a certified nurse aide was mandatorily suspended by the Department of Health Professions. The basis for said suspension was one count of Forging a Legal Document, two felony counts of Possession of Cocaine, one count of Forgery, and one count of Uttering. By Order of the Board entered May 29, 2009, Ms. Russell's certificate to practice as a certified nurse aide was reinstated contingent upon her continued compliance with the Health Practitioners' Monitoring Program ("HPMP").
5. Ms. Russell is currently in compliance with the HPMP.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 4 constitutes a violation of §54.1-3007(2), (4), and (6) of the Code of Virginia (1950), as amended, (“Code”) and 18 VAC 90-60-120(2)(g) of the Regulations Governing the Registration of Medication Aides.
2. Tamberlyn Russell, C.N.A., is properly enrolled in the HPMP.
3. Ms. Russell otherwise meets the qualifications of §54.1-3042 of the Code.

CONSENT

Tamberlyn Russell, C.N.A., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, §2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her application for registration to practice as a medication aide in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The application of Tamberlyn Russell, C.N.A., for registration by examination as a medication aide is APPROVED. Upon successful completion of the Medication Aide Examination, Ms. Russell shall be issued a registration to practice as a medication aide in the Commonwealth contingent upon her continued compliance with the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the medication aide registration of Tamberlyn Russell, C.N.A., and an administrative proceeding shall be held to decide whether her registration should be revoked. Ms. Russell shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Russell is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;


b. There is a pending investigation or unresolved allegation against Ms. Russell involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Russell has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Russell's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

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

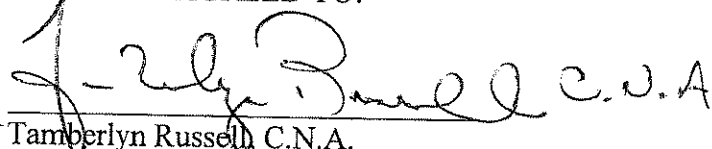
Pursuant to §§2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD



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

ENTERED: November 9th, 2012


SEEN AND AGREED TO:


Tamberlyn Russell, C.N.A.

Certified True Copy

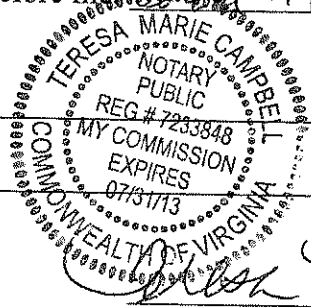
By 
Virginia Board of Nursing


COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF HENRICO TO WIT:

Subscribed and sworn to before me , a Notary Public, this 2nd day of NOV, 2012

My commission expires _____

Registration Number _____




NOTARY PUBLIC