

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LOTTIE K. TUCKER, L.P.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 June 17, 2014, in Henrico County, Virginia. Lottie K. Tucker, L.P.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 14, 2014, 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 K. 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. Her primary state of residence is Virginia.
2. By letter dated May 14, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Tucker notifying her that an informal conference would be held on June 17, 2014. 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.
3. On October 26, 2013, and December 9, 2013 and in May 2014, Ms. Tucker was

hospitalized for treatment of depression and bipolar disorder.

4. During the investigation Ms. Tucker stated that she felt that her thinking was clouded while on Lithium; however, she is no longer on that medication. She is currently prescribed Trileptal and Latuda and is stable on these medications. She has applied for disability and has an appointment to see a psychiatrist. Ms. Tucker has been employed at Golden Living Battlefield Park since March 27, 2014. Ms. Tucker has not had any patient care issues.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that Lottie K. Tucker, L.P.N., shall be placed on PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Tucker has completed two years of active employment as a licensed practical nurse. The license of Lottie K. Tucker, L.P.N., shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.

2. Ms. Tucker shall inform the Board in writing within ten days of the date she begins nursing, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Tucker shall provide the name and address of each employer to the Board.

3. Ms. Tucker shall inform her current nursing employer and each future nursing employer

that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Tucker is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

4. Performance Evaluations shall be provided, at the direction of Ms. Tucker, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 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. Tucker shall have an evaluation by a mental health specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 45 days from the date this Order is entered. Ms. Tucker shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Tucker is discharged from therapy. Ms. Tucker shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

6. Ms. Tucker shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

7. Ms. Tucker 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 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.

8. Ms. Tucker shall return all copies of her license to practice as a practical nurse to the Board office within ten days of the date of entry of this Order, along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

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

10. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Lottie K. Tucker, L.P.N., and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

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. Tucker may, not later than 5:00 p.m., on **October 31, 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:

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

ENTERED: *September 30, 2014*

This Order shall become final on **October 31, 2014**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *G Robinson-Howers*
Virginia Board of Nursing