

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: PAMELA LESTER TOMBS, R.N.
License No.: 0001-095881

CONSENT ORDER

The Virginia Board of Nursing ("The Board") and Pamela Lester Tombs, R. N., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Ms. Tombs to practice nursing in the Commonwealth of Virginia.

FINDINGS OF FACT

The Board adopts the following findings of fact in this matter:

1. Pamela Lester Tombs, R.N., was issued license number 0001-095881 by the Board to practice nursing in the Commonwealth of Virginia on March 22, 1985. Said license is active and will expire on February 29, 2016, unless renewed or otherwise restricted. Ms. Tombs' primary state of residence is Virginia.
2. By Order entered November 1, 2006, the Virginia Board of Nursing reprimanded Ms. Tombs' license to practice nursing. This action was based upon Ms. Tombs' violation of § 54.1-3007(2), (5) and (8) of the Code of Virginia, and 18VAC 90-20-300(A)(2)(a), (e) and (f) of the Board of Nursing Regulations in that,
 - a. On or about March 14, 2005, during the course of her employment at the Augusta Medical Center, Fishersville, Virginia ("AMC"), Ms. Tombs hung an IV solution of Dextrose 5% in Lactated Ringers on a diabetic patient instead of the physician ordered IV solution. Further, she falsified the MAR for this patient by recording that she had administered the physician ordered IV solution when she had

not. Ms. Tombs knew she had made the error and did not make any effort to change the medication. As a result, she resigned her nursing position in lieu of termination.

b. On or about February, 2004, while still employed at AMC, Ms. Tombs in the course of admitting a patient wrote orders on the patient using her hospital records without consulting a physician.

c. On or about January, 2003, at AMC, Ms. Tombs stopped a patient's antibiotic order when the physician had ordered that it be continued.

d. On or about December, 2003, at AMC, a physician ordered a pain medication for his patient and Ms. Tombs wrote "PRN" on the physician's order.

3. By Default Decision and Order effective on July 2, 2014, the State of California Board of Registered Nursing ("California Board") revoked the license of Pamela Lester Tombs, R.N. This action was based solely on the Virginia Board's Order entered November 1, 2006.

4. By Order entered September 16, 2014, the Director of the Department of Health Professions mandatorily suspended Ms. Tombs' license pursuant to Section 54.1-2409 of the Code due to the action of the California Board.

CONCLUSIONS OF LAW

This matter of the reinstatement of Ms. Tombs' license to practice nursing in the Commonwealth of Virginia is properly before the Board.

CONSENT

I, Pamela Lester Tombs, R.N., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing

this document;

2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;

3. I have the following rights, among others:

a. the right to an informal conference before the Board; and

b. the right to appear in person or by counsel, or other qualified representative before the agency.

4. I waive all rights to an informal conference;

5. I admit the truth of the above Findings of Fact; and

6. I consent to the following Order affecting my license to practice nursing in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of Pamela Lester Tombs, R.N., to practice nursing in the Commonwealth of Virginia, be, and hereby is, REINSTATED effective September 16, 2014.

Ms. Tombs shall maintain a course of conduct in her practice of nursing commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent 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.

FOR THE BOARD:

Jane R. Ingalls
Jane R. Ingalls, R.N. Ph. D.
President, Virginia Board of Nursing

ENTERED: 16 Sept. 2014

SEEN AND AGREED TO:

P. Lester Tombs, RN
Pamela Lester Tombs, R.N.

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

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 3rd day of September, 2014, by Pamela Lester Tombs, R.N.



Jacquelyn G. Gamache
Notary Public
Registration Number: 100742
My commission expires: 9-30-14

Certified True Copy
By dsraham
Virginia Board of Nursing

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: PAMELA LESTER TOMBS, R.N.
License Nos.: 0001-095881**

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the State of California Board of Registered Nursing revoked the license of Pamela Lester Tombs, R.N., to practice as a registered nurse in the State of California by a Default Decision and Order effective July 2, 2014. A certified copy of the Default Decision and Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Pamela Lester Tombs, R.N., to practice as a professional nurse in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



David E. Brown, D.C., Director
Department of Health Professions

ENTERED: 9/16/14

Certified True Copy

By draham
Virginia Board Of Nursing

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Default Decision and Order effective July 2, 2014, regarding Pamela Lester Tombs, R.N., are true copies of the records received from the State of California Board of Registered Nursing.



David E. Brown, D.C.

Date: 9/16/14

I hereby certify the foregoing to be a true copy of the documents on file in our office.

BOARD OF REGISTERED NURSING

Louise R. Bailey M.Ed., RN

Louise R. Bailey, M. Ed., RN
Executive Officer



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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**PAMELA SUE TOMBS
a.k.a. PAMELA L. TOMBS
a.k.a. PAMELA LESTER TOMBS
639 Crozet Avenue
Crozet, VA 22932**

Registered Nurse License No. 669951

RESPONDENT

Case No. 2014-620

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 26, 2013, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2014-620 against Pamela Sue Tombs, aka Pamela L. Tombs, aka Pamela Lester Tombs (Respondent) before the Board of Registered Nursing.
(Accusation attached as Exhibit A.)

2. On or about November 29, 2005, the Board of Registered Nursing (Board) issued Registered Nurse License No. 669951 to Respondent. The Registered Nurse License expired on March 31, 2009 and has not been renewed.

3. On or about November 26, 2013, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2014-620, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136



1 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and
2 maintained with the Board, which was and is:

3 639 Crozet Avenue
4 Crozet, VA 22932.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124.

8 5. On or about December 17, 2013, the domestic return receipt was returned by the U. S.
9 Postal Service indicating that the aforementioned documents were received by Roy Tombs on
10 December 3, 2013.

11 6. Business and Professions Code section 2764 states:

12 The lapsing or suspension of a license by operation of law or by order or decision of
13 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive
14 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
15 against such license, or to render a decision suspending or revoking such license.

16 7. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
18 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
19 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
20 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

21 8. Respondent failed to file a Notice of Defense within 15 days after service of
22 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation
23 No. 2014-620.

24 9. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
26 agency may take action based upon the respondent's express admissions or upon other evidence
27 and affidavits may be used as evidence without any notice to respondent.

28

1 10. Pursuant to its authority under Government Code section 11520, the Board after
2 having reviewed the proof of service dated November 26, 2013, signed by Richard Ware, finds
3 Respondent is in default. The Board will take action without further hearing and, based on
4 Accusation No. 2014-620 and the documents contained in Default Decision Investigatory
5 Evidence Packet in this matter which includes:

- 6 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2014-
7 620, Statement to Respondent, Notice of Defense (two blank copies),
8 Request for Discovery and Discovery Statutes (Government Code sections
9 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
10 receipt or copy of returned mail envelopes;
- 11 Exhibit 2: License History Certification for Pamela Sue Tombs, aka Pamela L.
12 Tombs, aka Pamela Lester Tombs, Registered Nurse License No. 669951;
- 13 Exhibit 3: Affidavit of Kami Pratab;
- 14 Exhibit 4: Out of State Discipline (Virginia Board of Nursing);
- 15 Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of
16 Case No. 2014-620.

17 The Board finds that the charges and allegations in Accusation No. 2014-620 are separately and
18 severally true and correct by clear and convincing evidence.

19 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
20 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
21 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
22 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
23 \$1,727.50 as of February 5, 2014.

24 DETERMINATION OF ISSUES

- 25 1. Based on the foregoing findings of fact, Respondent Pamela Sue Tombs, aka Pamela
26 L. Tombs, aka Pamela Lester Tombs has subjected her following license(s) to discipline:
- 27 a. Registered Nurse License No. 669951
- 28 2. The agency has jurisdiction to adjudicate this case by default.

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3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary action by another State Board of Nursing.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 669951, heretofore issued to Respondent Pamela Sue Tombs, aka Pamela L. Tombs, aka Pamela Lester Tombs, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on JULY 2, 2014.

It is so ORDERED JUNE 3, 2014.



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2014-620

Exhibit A

Accusation No. 2014-620

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 DIANN SOKOLOFF
Supervising Deputy Attorney General
4 State Bar No. 161082
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2212
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2014-620*

13 **PAMELA SUE TOMBS**
14 **aka Pamela L. Tombs,**
aka Pamela Lester Tombs
15 **639 Crozet Avenue**
Crozet, VA 22932

A C C U S A T I O N

16 **Registered Nurse License No. 669951**

17 **Respondent.**

18 **Complainant alleges:**

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about November 29, 2005, the Board of Registered Nursing issued Registered
24 Nurse License Number 669951 to Pamela Sue Tombs, aka Pamela L. Tombs, aka Pamela Lester
25 Tombs (Respondent). The Registered Nurse License expired on March 31, 2009, and has not
26 been renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Registered Nursing (Board),

1 Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
4 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
5 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6 5. Code section 2764 provides, in part, that the expiration of a license shall not deprive
7 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to
8 render a decision imposing discipline on the license. Under Code section 2811, subdivision (b),
9 the Board may renew an expired license at any time within eight years after the expiration. After
10 the expiration of such eight-year period the board may require as a condition of reinstatement that
11 the applicant pass such examination as it deems necessary to determine his present fitness to
12 resume the practice of professional nursing.

13 STATUTORY/REGULATORY PROVISIONS

14 6. Code section 2761 states, in part:

15 "The board may take disciplinary action against a certified or licensed nurse or deny an
16 application for a certificate or license for any of the following:

17 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

18 ...

19 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
20 against a health care professional license or certificate by another state or territory of the United
21 States, by any other government agency, or by another California health care professional
22 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
23 action."

24 COST RECOVERY

25 7. Code section 125.3 provides, in part, that the Board may request the administrative
26 law judge to direct a licentiate found to have committed a violation or violations of the licensing
27 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
28 case, with failure of the licentiate to comply subjecting the license to not being renewed or

1 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a
2 stipulated settlement.

3 FIRST CAUSE FOR DISCIPLINARY ACTION
4 (Unprofessional Conduct – Out of State Discipline)
5 (Bus. & Prof. Code § 2761, subd. (a)(4))

6 8. Respondent has subjected her Registered Nurse License to disciplinary action under
7 Code section 2761, subdivision (a)(4), in that on or about December 3, 2006, in a disciplinary
8 action before the Virginia Board of Nursing (Virginia Board), the Virginia Board issued an Order
9 (Order), reprimanding Respondent's Virginia Professional Nurse License. The Order required
10 Respondent to maintain a course of conduct in her capacity as a professional nurse commensurate
11 with the requirements of the Virginia Code (Code) section 54.1-3000 et seq., and the Board of
12 Nursing Regulations.

13 9. The Virginia Board's Order was based upon the Findings of Fact, which included, but
14 were not limited to, the following:

15 a. Respondent was issued License No. 0001-095881 to practice professional nursing in
16 Virginia on March 22, 1985. The license had an expiration date of February 28, 2008. On or
17 about March 14, 2005, while employed at the Augusta Medical Center (AMC), Respondent hung
18 an IV solution of Dextrose 5% in Lactated Ringers on a diabetic patient, instead of the
19 physician-ordered lactated Ringers. The patient's blood sugar registered 474, which was an
20 unusually high level for this patient. Respondent falsified the MAR¹ for this patient by recording
21 that she had administered the physician-ordered solution when, in fact, she had administered the
22 IV solution that contained Dextrose. Respondent knew that she had made the error and did not
23 make any effort to change the medication. On or about March 29, 2005, Respondent resigned her
24 nursing position in lieu of termination.

25 b. While employed at AMC, on or about February 24, 2004, while admitting a patient,
26 Respondent wrote orders on the patient based on her hospital records without consulting a
27 physician. As a consequence, Respondent was suspended for 3 days. On or about January 2003,

28 ¹ "MAR" means Medical Administration Record.

1 Respondent stopped the administration of a patient's antibiotic when the physician had ordered
2 that the antibiotic be continued. As a consequence, Respondent was verbally counseled by her
3 supervisor. On or about December 2003, a physician ordered a pain medication for his patient.
4 Respondent wrote "PRN²" on the physician's order. As a consequence, Respondent was verbally
5 counseled by her supervisor.

6 10. Based upon the above Findings of Fact, the Virginia Board made a Conclusion of
7 Law that Respondent violated Code sections 541.3007(2), (5), and (8), and the Virginia Board of
8 Regulations, contained in Title 18 of the Virginia Administrative Code (VAC), sections 90-20-
9 300(A)(2)(a), (e) and (f).

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 669951, issued to Pamela
14 Sue Tombs, aka Pamela L. Tombs, aka Pamela Lester Tombs (Respondent);

15 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
16 the investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3; and

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: November 26, 2013

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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28 ² "PRN" is an abbreviation for the Latin phrase, "as needed for."