

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DONNA F. GARDNER, R.N. REINSTATEMENT APPLICANT
License No.: 0001-173178

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Donna F. Gardner, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Gardner's application for reinstatement of her license to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Donna F. Gardner was issued License No. 0001-173178 to practice professional nursing by the Virginia Board of Nursing on January 22, 2001. Said license expired on July 31, 2003. Ms. Gardner currently holds a license as a registered nurse in the State of Tennessee and was licensed in California and North Carolina. Her primary state of residence is Virginia.

2. Ms. Gardner submitted an application for reinstatement of her license which was received by the Board on April 17, 2014.

3. On Ms. Gardner's original application for licensure received December 8, 2000, she answered "no" to the question asking if she had "ever been convicted, pled guilty to or pled Nolo Contendere to the violation of any federal, state or other statute or ordinance constituting a felony or misdemeanor" when she had been convicted on April 4, 1988, in the Circuit Court for Sevier County, Tennessee, of one count of fraudulently obtaining food stamps. She was sentenced to three years as a Range I offender in the Community Corrections Alternate Sentencing Program, and was ordered to pay \$3,415.00 for fines and

restitution. She was successfully released from the program on April 4, 1991, and had paid all fines and restitution.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(1) and (4) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing ("Regulations").
2. Ms. Gardner otherwise meets the requirements of § 54.1-3011 of the Code and 18 VAC 90-20-230(B) and (C) of the Regulations.

CONSENT

Donna F. Gardner, 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 reinstatement of her license to practice as a professional nurse 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:

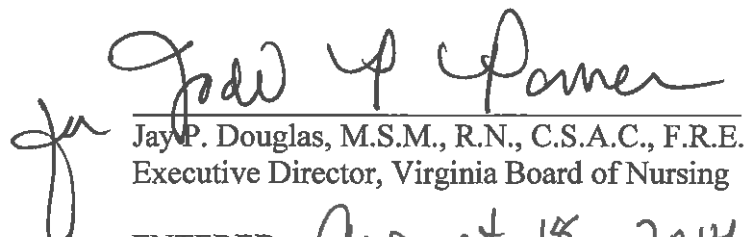
1. The application of Donna F. Gardner for reinstatement of her license to practice as a professional nurse is hereby APPROVED. The Board shall issue Ms. Gardner an unrestricted license to practice as a professional nurse in the Commonwealth of Virginia.

2. Donna F. Gardner is hereby REPRIMANDED.

3. Ms. Gardner shall maintain a course of conduct in her capacity as a professional nurse 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, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: August 18, 2014

SEEN AND AGREED TO:

Donna F. Gardner
Donna F. Gardner

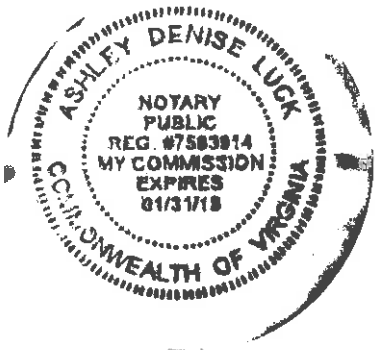
Donna F. Gardner
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Salern, TO WIT:

Subscribed and sworn to before me, Ashley Luck, a Notary Public, this 8th day of August, 2002014

My commission expires January 31, 2018.

Registration Number 7583914

Ashley Luck
NOTARY PUBLIC



Certified True Copy

By L. Booth
Virginia Board Of Nursing