

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: JOYCE THOMAS, C.N.A. REINSTATEMENT APPLICANT**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Joyce Thomas, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Thomas' certification to practice as a nurse aide in Virginia.

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

**FINDINGS OF FACT**

1. Joyce Thomas was issued Certification No. 1401-062269 to practice as a nurse aide in Virginia on November 7, 1996. By Order of the Board entered May 26, 2009 ("Board's Order"), the Board of Nursing indefinitely suspended Ms. Thomas' certificate to practice as a nurse aide based upon substance abuse and mental health issues, along with inappropriate interactions with a resident while employed with Golden Living Center in 2008. The suspension was to be stayed if Ms. Thomas entered and thereafter remained in compliance with the Health Practitioner's Monitoring Program (hereinafter "HPMP").
2. Ms. Thomas entered HPMP but was dismissed from the Program on October 30, 2009 for noncompliance and thus her certificate remained suspended.
3. On April 22, 2013, the Board received an application for reinstatement of nurse aide certification which was submitted by Ms. Thomas.
4. On April 22, 2013, the Board erroneously reinstated Ms. Thomas and issued her a certificate to practice as a nurse aide in Virginia without required evidence of participation in the HPMP or a determination that she is safe and competent to resume practice after an administrative proceeding by the Board.

**CONCLUSIONS OF LAW**

1. Pursuant to Findings of Fact No. 2 and 4 and Term No. 4 of the Board's Order, Ms. Thomas is not eligible for reinstatement as a nurse aide at this time.
2. Ms. Thomas otherwise meets the requirements for reinstatement contained in 18 VAC 90-25-80(B) of the Board of Nursing Regulations Governing Certified Nurse Aides.

**CONSENT**

Joyce Thomas, 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 Board ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Joyce Thomas' certification to practice as a nurse aide in the Commonwealth of Virginia, until such time as an administrative proceeding can be convened to determine whether Ms. Thomas is capable of resuming safe and competent nurse aide practice. Ms. Thomas shall be responsible for any fees that may be required for the reinstatement and renewal of the certification prior to issuance of the certificate to resume practice.
2. The certification will be recorded as suspended and no longer current.
3. This suspension shall be STAYED upon proof of Ms. Thomas' re-entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
  - a. Ms. Thomas shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
  - b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the certificate of Ms. Thomas, and an administrative proceeding shall be held to determine whether her certificate shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
    - i. She is not in compliance with the terms and conditions specified by the HPMP;
    - ii. Her participation in the HPMP has been terminated;
    - iii. There is a pending investigation or unresolved allegation against her involving a violation of law, regulation, or any term or condition of this order.
6. Ms. Thomas shall maintain a course of conduct in her capacity as a certified nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

DP JUN 10 2014

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

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

ENTERED: July 15, 2014

SEEN AND AGREED TO:

Joyce Thomas  
Joyce Thomas

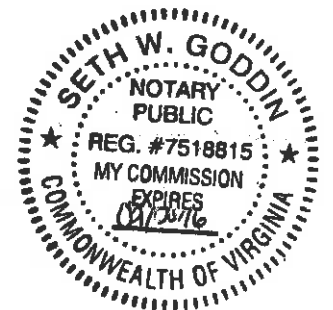
COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Portsmouth, TO WIT:

Subscribed and sworn to before me, Seth Goddin, a Notary Public, this 23<sup>rd</sup> day of May, 2014.

My commission expires 09/30/2016.

Registration Number 7518815.

Seth Goddin  
NOTARY PUBLIC



Certified True Copy

By Shrath  
Virginia Board Of Nursing