

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LATOYA WILSON, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-073885**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 23, 2013, in Henrico County, Virginia, to receive and act upon Latoya Wilson's application for reinstatement of her license to practice practical nursing in Virginia and to inquire into evidence that Ms. Wilson may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by James E. Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Wilson was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. LaToya Wilson, L.P.N., was issued License No. 0002-073885 to practice practical nursing in the Commonwealth of Virginia on July 18, 2006. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on July 12, 2012, as a result of her conviction on June 11, 2012, of three felony counts of obtain money by false pretense in the Circuit Court of Dinwiddie County, Virginia. By Order of the Board entered on December 11, 2011, Ms. Wilson was previously issued a reprimand and placed on probation for a period of two years of actual nursing practice based on findings that she clocked into work at the Dunlop House, Colonial Heights, Virginia, and the

Southside Virginia Training Center, Petersburg, Virginia, and then left without working; and her related misdemeanor convictions for embezzlement and petit larceny in the in the District Court of the City of Colonial Heights, Virginia, on June 6, 2011 and May 4, 2011 respectively. Said probation was terminated after Ms. Wilson's license was mandatorily suspended. Her primary state of residence is Virginia.

2. Ms. Wilson submitted an application for reinstatement of her license to practice practical nursing, which was received by the Board on March 13, 2013.

3. On June 11, 2012, Ms. Wilson was convicted of three counts of felony obtain money under false pretense in the Dinwiddie County, Virginia, Circuit Court.

4. Ms. Wilson stated that her felony convictions stemmed from her clocking-in at Southside Virginia Training Center, Petersburg, Virginia, on her days off. Ms. Wilson has not been employed as a nurse since December 2011 when her employment at Golden Living Center-Battlefield Park, Petersburg, Virginia, was terminated because she failed to disclose her 2011 misdemeanor embezzlement and petit larceny convictions.

5. Ms. Wilson testified that she has made full restitution of \$15,400.77 to the Virginia Department of Behavioral Health and Developmental Services and has a remaining balance of \$900.00 towards payment of court costs. Her court-ordered probation is scheduled to end in September, 2013. Ms. Wilson is currently self-employed out of her home.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0002-073885 issued to LaToya Wilson to practice practical nursing in the Commonwealth of Virginia, be and hereby is REINSTATED on INDEFINITE PROBATION for not less than two years of actual nursing

employment, 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. Wilson has completed two years of active employment as a licensed practical nurse. The license of Ms. Wilson 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. Wilson shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Wilson shall provide the name and address of each employer to the Board.
3. Ms. Wilson 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. Ms. Wilson shall not be employed through a staffing agency.
4. Performance Evaluations shall be provided, at the direction of Ms. Wilson, by all nursing employers, 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. Wilson shall practice nursing only in a structured/supervised employment setting satisfactory to the Board for the duration of her probation. This employment setting shall provide on-site supervision by a physician /professional nurse, who works the same shift and on the same level of the building, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Wilson shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

6. Ms. Wilson shall provide the Board with a certified true copy of her final court order placed on record by the Court upon completion of her parole.

7. Ms. Wilson 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. The Board shall issue a license marked "Valid in Virginia Only; Probation with Terms."

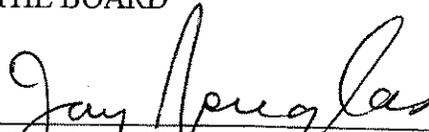
9. Ms. Wilson shall conduct herself as a licensed practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

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 Ms. Wilson and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

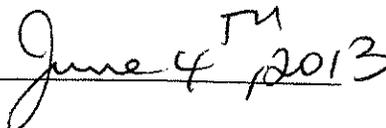
11. This Order is applicable to Ms. Wilson's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Wilson shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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 on request.

FOR THE BOARD



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



ENTERED _____

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 

Virginia Board of Nursing