

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TOMEKA MCLEAN, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-074305

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Tomeka McLean, L.P.N., who, prior to its suspension by the Department of Health Professions on January 30, 2013, held License No. 0002-074305 to practice practical nursing in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on May 22, 2014, at 11:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. McLean will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. McLean has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. McLean desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. McLean’s application for reinstatement of her license to practice practical nursing in Virginia, which was mandatorily suspended by the Department of Health Professions on January 30, 2013, and to inquire into evidence that Ms. McLean may have violated certain laws and regulations governing practical nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. McLean, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice of nursing in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. McLean's license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Tomeka McLean may have violated § 54.1-3007(4) of the Code in that by an order entered on or about January 14, 2013, by the Circuit Court of the County of Chesterfield, Virginia, Ms. McLean was convicted of one count of obtaining money or property by false pretenses, and three counts of uttering a forged document, all felonies, and was sentenced by an order entered on or about April 26, 2013. These convictions formed the basis of the mandatory suspension of Ms. McLean's license.
2. Ms. McLean may have violated § 54.1-3007(2), (3), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations") in that during the course of her employment with American Critical Care Services, Richmond, Virginia, between approximately September 2011 and June 2012, by her own admission, she falsely documented providing care to Patient A, a 36-year-old quadriplegic male who is ventilator-dependent, and completing shifts for which she failed to appear. She accomplished this by altering her hours worked after the patient's family signed her documentation and/or by forging family members' signatures to false documents, totaling more than 433 hours and resulting in overpayment of approximately \$6,963 during that period.
3. Ms. McLean may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on her applications for employment with Human Resources, Inc., dated on or about October 18, 2012, with American Critical Care Services dated on or about November 17, 2009, with Capital Area Health Network dated on or about September 19, 2011, and with the Virginia Home dated on or about

May 25, 2011, she cited “new employment” as her reason for leaving a prior employer, The Laurels of University Park, Richmond, Virginia, despite her termination of employment from the facility. Further, on her applications for employment with American Critical Care Services and with Capital Area Health Network, she cited “not enough work” and “new employment,” as her reasons, respectively, for leaving a prior employer, Health Force, Inc., Richmond, Virginia, despite her termination of employment from the facility.

4. Ms. McLean may have violated § 54.1-3007(1) and (3) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations in that on her Application for Licensure by Examination – Licensed Practical Nurse dated June 14, 2006, and on her Application for Reinstatement of License as a Licensed Practical Nurse Following Suspension or Revocation dated March 13, 2014, she failed to disclose her conviction for misdemeanor assault and battery in the Circuit Court of the City of Richmond, Virginia on or about March 21, 1997. She also failed to disclose this conviction during an interview with an investigator with the Virginia Department of Health Professions on or about March 24, 2014.

FOR THE BOARD

for Alvin Pritchard
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director for the
Board of Nursing

ENTERED: May 6, 2014