

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: STEPHANIE A. NEWTON, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-074792

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 21, 2014, in Henrico County, Virginia, to receive and act upon the application for reinstatement of the license of Stephanie A. Newton to practice practical nursing in Virginia, which was mandatorily suspended on June 30, 2011, and to inquire into evidence that Ms. Newton may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Newton was not 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. Stephanie A. Newton was issued License No. 0002-074792 to practice practical nursing in the Commonwealth of Virginia on October 31, 2006. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on June 30, 2011. Ms. Newton was issued Certificate No. 1401-104996 to practice as a nurse aide in the Commonwealth of Virginia on August 11, 2004, which expired on August 31, 2006. Her primary state of residence is Virginia.

2. Based upon the representations of Tammie Jones and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to

Ms. Newton and the hearing proceeded in her absence. Ms. Newton contacted the Department of Health Professions on May 21, 2014, and stated that she would not appear at her hearing.

3. Ms. Newton submitted an application for reinstatement of her license to the Board on March 13, 2014.

4. On May 25, 2011, in the United States District Court, Western District of Virginia, Ms. Newton was convicted of distribution of a Schedule IV controlled substance, obstruction of an official proceeding, conspiracy to obstruct an official proceeding and making a false statement to a government agency, all felonies. Said convictions led to the mandatory suspension of her license to practice practical nursing in Virginia. Ms. Newton was sentenced to eight months incarceration and placed on three years supervised probation, which commenced on March 6, 2012.

5. On the application for employment with the Southwest Virginia Regional Jail Authority signed on March 19, 2008, Ms. Newton failed to disclose her termination from Ridgecrest Nursing Home on February 14, 2008.

6. On the application for reinstatement dated February 21, 2014, Ms. Newton failed to list her employment at Abingdon Manor.

7. Prescription monitoring reports indicate that Ms. Newton was prescribed Xanax (alprazolam, Schedule IV) for depressive disorder from August 3, 2009 to November 16, 2010. Since her release from incarceration, she has been prescribed various psychotropic drugs and is currently on Paxil (paroxetine, Schedule VI); however, she has not obtained any mental health treatment.

8. Ms. Newton has not demonstrated by clear and convincing evidence that she is safe and competent to return to the practice of nursing.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing ("Regulations").

3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.

4. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

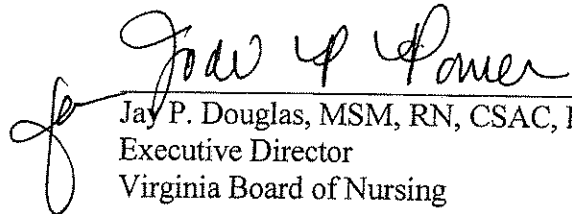
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Stephanie A. Newton for reinstatement of License No. 0002-074792 to practice practical nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Stephanie A. Newton be CONTINUED on INDEFINITE SUSPENSION. At such time as she shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

2. The license of Stephanie A. Newton will be recorded as SUSPENDED and no longer current. Should Ms. Newton seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

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, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

May 29, 2014
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