

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**TONYA LEE TURNER, C.N.A.**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on April 29, 2008 in Henrico County, Virginia. Ms. Turner not present nor was she represented by legal counsel. Nancy Durrett, R.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Turner was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Tonya Lee Turner, C.N.A. was issued Certificate No. 1401-105213 to practice as a nurse aide in Virginia on August 14, 2004. The certificate is set to expire on August 31, 2008.
2. By letter dated March 26, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Turner notifying her that an informal conference would be held on April 29, 2008. The Notice was sent by certified and first class mail to 3 W. Hill Street, Richmond, Virginia, 23220, the address of record on file with the Board of Nursing. The certified mail receipt was returned unclaimed, but the first class mail was not returned. The Agency Subordinate concluded that Ms. Turner received adequate notice and the informal conference proceeded in her absence.

3. By Order dated July 14, 2004 the Board approved Ms. Turner's application to take the National Nurse Aide Assessment Examination and ordered her to comply with the terms and conditions of her Health Practitioners' Intervention Program ("HPIP") contract. By Order dated August 26, 2005 ("Board's Order"), the Board found that Ms. Turner was discharged from the HPIP due to non-compliance with her contract and placed Ms. Turner on probation for 12 months of employment as a nurse aide subject to terms and conditions.

4. Term Nos. 2, 5 and 8 of the Board's Order required Ms. Turner to submit written reports to the Board Office with the first report being received no later than 60 days following the date the Order was final, and subsequent reports to be received by the last day of the months of March, June, September and December until the probation period ended. Ms. Turner has not submitted any of the aforementioned required reports.

5. Term Nos. 3 and 10 of the Board's Order required Ms. Turner to inform the Board in writing of the date she began nurse aide practice, changed employment or any interruption in nurse aide practice. Ms. Turner has not provided the Board with any information regarding her employment since entry of the Order.

6. Term Nos. 6 and 9 of the Board's Order required that if Ms. Turner was prescribed any Schedule II-V controlled medication, a written report from the physician would be provided to the Board within ten days of the date of the prescription and that Ms. Turner provide each treating practitioner with a complete copy of the Order. By her own admission, Ms. Turner was prescribed Tylenol #3 (codeine/acetaminophen, schedule III) on more than one occasion since entry of the Order and she did not submit a report from the physician or provide the treating practitioner with a complete copy of the Order.

7. Term No. 7 of the Board's Order required Ms. Turner to have one supervised unannounced drug screen every six months. Ms. Turner has not had the supervised unannounced drug screens as required under the Order.

### CONCLUSIONS OF LAW

1. Finding of Fact # 4 constitutes a violation of Terms Nos. 2, 5 and 8 of the Board's Order.
2. Finding of Fact #5 constitutes a violation of Terms Nos. 3 and 10 of the Board's Order.
3. Finding of Fact # 6 constitutes a violation of Term Nos. 6 and 9 of the Board's Order.
4. Finding of Fact #7 constitutes a violation of Term No. 7 of the Board's Order.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

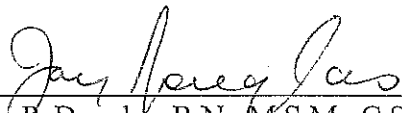
1. Certificate No. 1401-105213 of Tonya Lee Turner is INDEFINITELY SUSPENDED for a period of not less than two years.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Turner shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a nurse aide. Ms. Turner shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

Since Ms. Turner failed to appear at the informal conference, this Order shall be considered final. Ms. Turner has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Turner has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

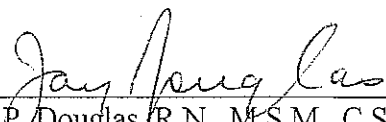
FOR THE BOARD

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

Entered: September 18<sup>TH</sup>, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Tonya Lee Turner, C.N.A., at 3 W. Hill Street, Richmond, Virginia 23220.

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

September 18<sup>TH</sup>, 2008  
DATE