



# COMMONWEALTH of VIRGINIA

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Director

Department of Health Professions

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## NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

March 26, 2008

Tonya Lee Turner, C.N.A.  
3 W. Hill Street  
Richmond, Virginia 23220

Certified Mail  
71603901984518443980

**RE: VA Certificate No.: 1401- 105213**  
**Expiration Date: August 31, 2008**

Dear Ms. Turner.:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **April 29, 2008 at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may be in violation of an Order of the Board entered August 26, 2005, by which you were placed on probation under certain terms and conditions.

Specifically:

1. You may be in violation of Term Nos. 2, 5 and 8 of the Board's Order, which required you to submit written reports to the Board Office with the first report being received no later than sixty 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, in that you have not submitted any of the aforementioned required reports.

2. You may be in violation of Term Nos. 3 and 10 of the Board's Order, which required

you to inform the Board in writing of the date you began nurse aide practice, changed employment or any interruption in nurse aide practice, in that you have not provided the Board with any information regarding your employment since entry of the Order.

3. You may be in violation of Term Nos. 6 and 9 of the Board's Order, which required that if you were prescribed any Schedule II-V controlled medication, a written report from the physician shall be provided to the Board within ten days of the date of the prescription and that you provide each treating practitioner with a complete copy of the Order, in that, by your own admission, you were prescribed Tylenol #3 (codeine/acetaminophen, schedule III) on more than one occasion since entry of the Order without submitting a report from the physician or providing the treating practitioner with a complete copy of the Order.

4. You may be in violation of Term No. 7 of the Board's Order, which required you to have one supervised unannounced drug screen every six months, in that you have not had the supervised unannounced drug screens as required under the Order.

**The Board hereby offers to enter into the enclosed Consent Order with you in lieu of an informal conference in this matter. Please review this document, and should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your witnessed signature to the Board office on or before *April 23, 2008*. Upon its receipt in the Board office, the Consent Order will be entered upon approval by the full Board and the informal conference will be cancelled. You will receive a certified copy of the Consent Order, bearing the date of entry, shortly thereafter. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on April 23, 2008, the Board will proceed with the informal conference as scheduled.**

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, continuing you on probation with terms, suspension or revocation of your certificate, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may recommend that a previous Board Order be modified, or refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

#### **Board's Review of Agency Subordinate's Recommended Decision**

If you appear in person or by counsel at the informal conference, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by April 23, 2008. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on April 29, 2008. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on April 23, 2008. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after April 23, 2008 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office at, at (804) 367-4543 .

Sincerely,



Jodi P. Power, R.N., J.D.  
Deputy Executive Director  
Nurse Aide Registry Manager

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions  
Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
LaRhonda J. Carter, Adjudication Specialist  
Agency Subordinate  
Tonya D. James, Compliance Case Manager (Case no. 118629)