

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: TONYA L. TURNER, C.N.A.**

**ORDER**

Pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950), as amended (the "Code"), a Special Conference Committee ("Committee") of the Board of Nursing met on August 16, 2005, in Henrico County, Virginia, to receive and act upon evidence that Tonya L. Turner, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia, and to review her compliance with the Order of the Board of Nursing entered July 14, 2004 ("Board's Order"). Ms. Turner was present and was not represented by counsel.

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Tonya L. Turner, C.N.A., holds Certificate Number 1401-105213 issued by the Board of Nursing. Said certificate will expire on August 31, 2006 unless renewed or otherwise restricted.
2. Ms. Turner violated Terms 1 and 2(a) of the Board's Order, in that, on February 18, 2005, she was discharged from the Health Practitioners' Intervention Program ("HPIP") for the following reasons:
  - a. Failure to send in the required monthly reports for December, 2004, that were due January 10, 2005.
  - b. Failure to call for urine drug screens on January 7, 11, 12, 13, 14, 17 and 18, 2005.

- c. Failure to respond to telephone messages and to written correspondence regarding noncompliance.
  - d. Failure to return Revised Recovery Monitoring Contract.
3. Ms. Turner stated that she found the HPIP very helpful, but was unable to comply due to financial means.
  4. Ms. Linda Kleiner, case manager with the HPIP, stated that when Ms. Turner entered the HPIP, she was in solid recovery and Ms. Kleiner was satisfied with the treatment Ms. Turner had received for chemical dependency.
  5. Ms. Turner stated that she remains in recovery and has continued to attend at least three (3) Narcotics Anonymous meetings a week since her dismissal from the HPIP. Ms. Turner also stated that she has almost daily contact with her sponsor and she has support from her family and pastor.

### **ORDER**

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Tonya L. Turner, C.N.A., be, and hereby is, placed on PROBATION 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 upon completion of twelve (12) months of employment as a certified nurse aide. The certificate of Ms. Turner, 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, § 2.2-4024 et seq. of the Code of Virginia (1950), as amended.

2. Written reports are required by this Order and shall be sent to the Board office with the first report being received no later than sixty (60) days following the date that this Order is final. 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, to include:
  - a) Performance Evaluations shall be provided, as detailed below.
  - b) Participation in recovery support groups shall be provided, as detailed below.
  - c) "Self-Reports" shall be provided, as detailed below.
3. Ms. Turner shall inform the Board in writing within ten (10) days of the date she begins nurse aide practice, or changes employment, or any interruption in nurse aide practice occurs, and she shall provide the name and address of the employer.
4. Ms. Turner shall inform her current nurse aide employer and each future nurse aide employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Turner is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
5. Performance Evaluations shall be provided, at the direction of Ms. Turner, by all nurse aide employer(s).
6. Ms. Turner shall not use alcohol or any other mood altering chemical except as prescribed by a physician with whom she has established a genuine physician/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing physician shall be provided to

the Board within ten (10) days of the date of the prescription.

7. Ms. Turner shall be required to have one (1) supervised, unannounced drug screen every six (6) months, which include testing for alcohol and the following drugs of choice: Alcohol, cocaine, and opiates and shall have all results sent to the Board as stated in Term No. 2. The Board shall be notified immediately in writing of any positive results or if Ms. Turner refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, with results to be sent to the Board immediately.
8. Ms. Turner shall be active in Alcoholics Anonymous or Narcotics Anonymous support groups, with written reports of attendance by a sponsor or contact person to be sent to the Board as stated in Term No. 2.
9. Ms. Turner shall provide all current and future treating practitioners with a complete copy of this Order, and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board, and any court-appointed probation or parole officers, and any consultants designated by the Board.
10. Ms. Turner shall submit quarterly "Self-Reports" which include a current address, telephone number, and all current employment. This report shall also include any changes in employment status, as required in Term No. 3.
11. Ms. Turner shall return all copies of her current certificate to practice as a nurse aide to the Board office within ten (10) days of the date of entry of this Order. Upon receipt of the old certificate, the Board shall issue a new certificate marked "PROBATION WITH TERMS."
12. Ms. Turner, as a certified nurse aide, shall conduct herself in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the


Board of Nursing Regulations.

13. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Ms. Turner, and an administrative proceeding shall be held to decide whether her license shall be revoked.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code of Virginia (1950), as amended, 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.

If Ms. Turner does not consent to the committee's decision and desires a hearing before the Board or a panel thereof, she shall notify, in writing, Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230-1717 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a written request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in § 2.2-4020 and § 2.2-4021 of the Code of Virginia (1950), as amended.

FOR THE BOARD

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

August 26<sup>th</sup>, 2005  
ENTERED

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Tonya L. Turner, C.N.A. at 1235 Nelson Street, Apartment C, Richmond, Virginia 23231.

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

August 26<sup>th</sup>, 2005  
Date

**Certified True Copy**  
By Royal 8/26/05  
Virginia Board of Nursing