

VIRGINIA

BEFORE THE BOARD OF NURSING

IN RE:

TONYA TURNER, C.N.A. APPLICANT

ORDER

Pursuant to § 2.2-4019, § 2.2-4021, § 54.1-2400(10) and § 54.1-110 of the Code of Virginia (1950), as amended, (the "Code"), an informal conference was held before a Special Conference Committee of the Board of Nursing (the "Committee") on June 15, 2004, in Henrico County, Virginia, to receive and act upon the application of Tonya Turner, C.N.A. Applicant, to take the National Nurse Aide Assessment Program Examination ("NNAAP"), and to receive and act upon evidence that Ms. Turner may have violated certain laws and regulations governing the practice of a nurse aide in Virginia. 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. On or about May 7, 2001, Tonya Turner submitted an application to take the nurse aide examination.
2. Ms. Turner has violated § 54.1-3007(6) of the Code, in that, by her own admission, she has received treatment for substance abuse at the Medical College of Virginia Family Counseling Center, Richmond, Virginia, Henrico Area Mental Health and Retardation Services, Henrico, Virginia, and Hampton-Newport News Community Services Board, Newport News, Virginia. Records from these treatment facilities note opioid dependence, and a history of heroin use since 1989. Additionally, Ms. Turner was discharged from the Medical College of Virginia Family Counseling Center on December 18, 2002, for noncompliance with the program; and she was discharged from Henrico Area Mental Health and Retardation Services on or about January 14, 2003, for noncompliance with the program.
3. Ms. Turner has violated § 54.1-3007(4) of the Code, in that on or about November 10, 1999, in Henrico County General District Court, Henrico County, Virginia, Ms. Turner was convicted of felony petit

larceny, a felony.

4. Ms. Turner has violated § 54.1-3007(4) of the Code, in that on or about October 7, 1999, in Henrico County General District Court, Henrico County, Virginia, Ms. Turner was convicted of petit larceny, a misdemeanor.
5. Ms. Turner has violated § 54.1-3007(4) of the Code, in that on or about September 22, 1999, in Henrico County Circuit Court, Henrico County, Virginia, Ms. Turner was convicted of petit larceny, third offense, a felony, and trespassing, a misdemeanor.
6. Ms. Turner has violated § 54.1-3007(4) of the Code, in that on or about June 18, 1998, in Henrico County Circuit Court, Henrico County, Virginia, Ms. Turner was convicted of concealment, third offense or subsequent offense, a misdemeanor.
7. Ms. Turner has violated § 54.1-3007(4) of the Code, in that on or about June 17, 1996, in Chesterfield County General District Court, Chesterfield, Virginia, Ms. Turner was convicted of obtaining money or things of value from J.C. Penney Co. by false pretense, a misdemeanor.
8. Ms. Turner has violated § 54.1-3007(4) of the Code, in that on or about March 16, 1995, in Henrico County General District Court, Ms. Turner was convicted of petit larceny, a misdemeanor.
9. Ms. Turner stated to the members of the Committee that the convictions as noted in nos. 3 through 8 above are a result of her addiction.
10. Ms. Turner stated to the members of the Committee that in September 2002, she successfully completed treatment with Southeast Family Project, Newport News, Virginia.
11. Ms. Turner stated to the members of the Committee that she attends three (3) Narcotics Anonymous (NA) meetings each week.
12. Ms. Turner stated her date of sobriety as December 11, 2002.
13. On November 1, 2003, Ms. Turner signed a Participation Contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code, and 18 VAC 76-10-10, et seq., of the Regulations Governing the Health Practitioners' Intervention Program, with a copy of

this Contract previously being submitted to the Board. On December 15, 2003, Ms. Turner signed a Recovery Monitoring Contract which is effective for five (5) years from the date of signature, with a copy of this signed Contract previously being submitted to the Board. Ms. Turner's case manager stated to members of the Committee that Ms. Turner is in compliance and that seems motivated to be in the program.

14. Ms. Turner is currently attending J. Sargeant Reynolds Community College, Richmond, Virginia. She has completed one (1) semester and is currently enrolled in her second semester.
15. Further, the Committee concluded that Ms. Turner is a candidate for the Health Practitioners' Intervention Program.

ORDER

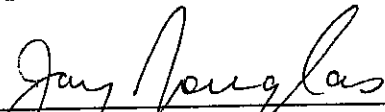
WHEREFORE, it is hereby ORDERED that the application of Tonya Turner to take the National Nurse Aide Assessment Program Examination, be, and hereby is, APPROVED, and upon successful completion of the examination shall be issued a certificate to practice as a certified nurse aide in the Commonwealth. Further, it is ORDERED that Ms. Turner comply with the following terms and conditions:

1. Ms. Turner shall comply with all terms and conditions of the Contract with the HPIP for the period specified in the Contract.
2. 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 certificate shall be revoked. Ms. Turner shall be noticed to appear before a Committee at such time as the Board is notified that:
 - a) Ms. Turner is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP, or
 - b) There is a pending investigation or unresolved allegations against Ms. Turner involving a violation of law, regulation or any term or condition of probation or this order, or
 - c) Ms. Turner has successfully completed the above-referenced period of participation in the HPIP.

However, upon receipt of evidence of Ms. Turner's participation in and compliance with the HPIP, the Committee, at its discretion, may waive Ms. Turner's appearance before the Committee, and conduct an administrative review of this matter.

Pursuant to § 2.2-4023 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. 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 Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, in writing at 6603 West 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 request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing as provided in § 2.2-4020 and § 2.2-4021 of the Code.

FOR THE BOARD



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

Entered: July 14th, 2004
NUNC PRO TUNC; June 24, 2004

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this date to Tonya Turner, C.N.A. Applicant, at 3615 Chamberlayne Avenue, Apt. 7, Richmond, Virginia 23227.

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

DATE July 15th, 2004

Certified True Copy
By [Signature] 7/15/04
Virginia Board of Nursing