

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CHRISTINA LEMIEUX, L.P.N. REINSTATEMENT APPLICANT

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 July 16, 2008, in Henrico County, Virginia, to receive and act upon Ms. Lemieux's application for reinstatement of her license to practice practical nursing in Virginia and to inquire into evidence that Ms. Lemieux may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Peter Opper, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Lemieux was 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. The license of Christina Lemieux to practice practical nursing in Virginia was issued on November 24, 1981.
2. The license of Ms. Lemieux was mandatorily suspended on November 29, 2007, when the Department of Health Professions first became aware that Ms. Lemieux had been convicted of two felonies in 2002.
3. On August 1, 2002, Ms. Lemieux was convicted in the Circuit Court of Accomack County, Virginia, of two felony counts of issuing "bad checks," in violation of § 18.2-181 of the Code.
4. Ms. Lemieux submitted an application for reinstatement of her practical nursing license which was received by the Board on April 8, 2008.

5. In filling out an employment application for the Berlin Nursing and Rehabilitation Center, Berlin, Maryland, on December 14, 2006, Ms. Lemieux checked “no” to the question, “Have you ever been convicted of a felony?” when, in fact, she had been convicted of two felony counts in 2002. Ms. Lemieux testified at the formal administrative hearing that because she was unaware that the 2002 convictions were felonies, believing they had been reduced to misdemeanors, she did not intentionally falsify her employment application.

6. The Director of Nursing at Eastern Correctional Institute, Westover, Maryland, reported positively about Ms. Lemieux’s nursing practice.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 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) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Board of Nursing Regulations.


ORDER

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

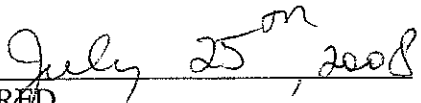
1. The license of Christina Lemieux to practice practical nursing in the Commonwealth of Virginia is hereby REINSTATED.
2. Ms. Lemieux shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing




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, Richmond, 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.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to Christina Lemieux at 104 Churchill Downs, Bay Creek, Cape Charles, VA 23310.



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



DATE