

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

RHONDA THOMAS, C.N.A., R.M.A. APPLICANT
Certificate No.: 1401-015133

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) and (10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on September 26, 2013, in Henrico County, Virginia. Rhonda Thomas, C.N.A., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Thomas 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. Rhonda Thomas, C.N.A., was issued Certificate No. 1401-015133 to practice as a nurse aide in Virginia on April 18, 1990. The certificate is scheduled to expire on April 30, 2014. By Consent Order entered April 28, 2010 ("Board's Order"), the Board reinstated Ms. Thomas' certificate, after the certificate had expired, contingent upon her entry into, and continued compliance with, the Health Practitioners' Monitoring Program ("HPMP") based on findings that she acknowledged on her application for reinstatement that she suffered from a mental condition that may interfere with her practice as a nurse aide. Specifically, Ms. Thomas acknowledged that she was diagnosed with bipolar disorder in 1999.

2. Ms. Thomas submitted an application for registration by examination as a medication aide which was received by the Board on November 13, 2012.

3. By letter dated August 30, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Thomas notifying her that an informal conference would be held on September 26, 2013. The Notice was sent by certified and first class mail to 101 Hamlet Lane, Apartment 101, Hampton, Virginia 23669, the address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board's office. The Notice sent by first class mail was not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Thomas and the informal conference proceeded in her absence.

4. Term No. 3(a) of the Board's Order required Ms. Thomas to comply with all terms and conditions of the Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP. Ms. Thomas resigned from the HPMP before completing the program. Her letter of resignation was accepted by the HPMP on or about March 28, 2013.

5. Ms. Thomas had signed a Participation Contract with the HPMP on April 22, 2010. She signed four Recovery Monitoring Contracts with the HPMP, with the last Recovery Monitoring Contract signed on August 24, 2012. Ms. Thomas stated to a Department of Health Professions investigator that she resigned from HPMP because employers were not willing to fill out the HPMP paperwork. Ms. Thomas' HPMP case manager stated that most people in HPMP are able to find gainful employment.

6. On Ms. Thomas' application for registration by examination as a medication aide received by the Board on November 13, 2012, Ms. Thomas answered "yes" to the question of whether she has a mental, physical or chemical dependency condition, which could interfere with her current ability to practice as a medication aide.

7. By her own admission, Ms. Thomas has a history of suffering from bipolar disorder, and she suffered a relapse that caused her to be involuntarily hospitalized at the Virginia Beach Psychiatric Center, Virginia Beach, Virginia, from April 19, 2012, to April 27, 2012. During her hospitalization, Ms. Thomas reported that she uses marijuana periodically when she cannot get her medications.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Term No. 3(a) of the Board's Order.
2. Findings of Fact Nos. 6 and 7 constitute a violation of § 54.1-3007(6) of the Code.
3. Ms. Thomas does not meet the qualifications of § 54.1-3042 of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

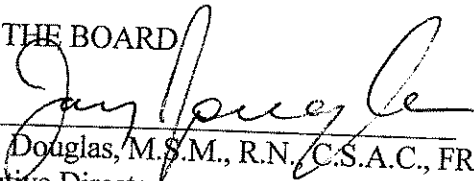
1. Rhonda Thomas, C.N.A., is hereby REPRIMANDED.
2. Certificate No. 1401-015133 of Ms. Thomas is INDEFINITELY SUSPENDED for a period of not less than two years.
3. The certificate will be recorded as suspended and no longer current.
4. At such time as Ms. Thomas shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent nurse aide practice. Ms. Thomas 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.
5. The application of Rhonda Thomas, C.N.A., for registration by examination as a medication aide is DENIED.

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.

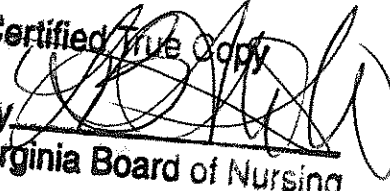
Since Ms. Thomas failed to appear at the informal conference, this Order shall be considered final. Ms. Thomas has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Thomas has thirty (30) days from the date 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, M.S.M., R.N., C.S.A.C., FRE, 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.

FOR THE BOARD


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

Entered: _____

December 19th, 2013

Certified True Copy
By 
Virginia Board of Nursing