

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: RHONDA L. THOMAS, C.N.A. REINSTATEMENT APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Rhonda L. Thomas, C.N.A., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Thomas' certificate to practice as a nurse aide in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Rhonda L. Thomas, C.N.A., was issued Certificate No. 1401-015133 to practice as a nurse aide by the Virginia Board of Nursing on April 18, 1990. Said certificate expired on April 30, 2002.
2. Ms. Thomas submitted an application for reinstatement of her certificate which was received by the Board on May 20, 2009.
3. In 1994 Ms. Thomas was convicted of shoplifting in the Hampton, Virginia, General District Court.
4. Ms. Thomas acknowledged on her application for reinstatement that she suffers from a mental condition that may interfere with her practice as a nurse aide. Specifically, Ms. Thomas was diagnosed with bi-polar disorder in 1999.
5. Ms. Thomas receives counseling once a month through the Hampton – Newport News Community Services Board ("HNCSN"), Hampton, Virginia. Ms. Thomas also attends Lassen House, a psychosocial clubhouse through HNSCB, which provides therapeutic, vocational and employment assistance.

6. Ms. Thomas receives a monthly injection of Prolixin (Schedule VI) to manage her bi-polar disorder. Ms. Thomas' counselor reports that Ms. Thomas has been stable for at least three years and that she supports Ms. Thomas returning to nursing.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code of Virginia (1950), as amended ("Code").
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
3. Based on the above Findings of Fact, the Board concludes that Ms. Thomas is a candidate for the Health Practitioners' Monitoring Program ("HPMP").
4. Ms. Thomas otherwise meets the qualifications for reinstatement of her certificate.

CONSENT

Rhonda L. Thomas, C.N.A., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact contained herein waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice as a nurse aide in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS that the application of Rhonda L. Thomas for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia is hereby APPROVED contingent upon her successful completion of the NNAAP examination and the following terms and conditions:

1. Ms. Thomas shall enter into the HPMP, pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and shall have proof of entry into the HPMP provided to the Board.

2. Ms. Thomas shall comply with all terms and conditions of the HPMP for the period specified.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Ms. Thomas, and an administrative proceeding shall be held to decide whether her certificate should be revoked. Ms. Thomas shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Thomas is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Thomas involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Thomas has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Thomas' participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Thomas' appearance before the Board and conduct an administrative review of this matter.

4. Ms. Thomas shall maintain a course of conduct in her capacity as a nurse aide 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 upon request.

FOR THE BOARD

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

ENTERED: April 28th 2010

SEEN AND AGREED TO:

Rhonda L. Thomas
Rhonda L. Thomas, C.N.A.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Hampton TO WIT:

Subscribed and sworn to before me, Kimberly K. Spencer, a Notary Public, this 21 day of April, 2010.

My commission expires 2-29-12

Registration Number 7172911

Kimberly K. Spencer
NOTARY PUBLIC



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VA BD OF NURSING