

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: TONI ROBINETTE, C.N.A.  
Certificate No.: 1401-095578**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Toni Robinette, C.N.A., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Robinette's 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. Toni Robinette, C.N.A., was issued Certificate No. 1401-095578 to practice as a nurse aide by the Virginia Board of Nursing on December 11, 2002. Said certificate is set to expire on December 31, 2013.
2. During the course of her employment with Bristol Home Health Services, in December 2013:
  - a. Ms. Robinette allowed Resident A to use Ms. Robinette's personal inhaler without authorization.
  - b. Ms. Robinette used Resident A's inhaler for her personal and unauthorized use.
3. Ms. Robinette's employment with Bristol Home Health Services was terminated.

**CONCLUSIONS OF LAW**

1. Finding of Fact No. 2(a) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(a) of the Regulations Governing Certified Nurse Aides ("Regulations").
2. Finding of Fact No. 2(b) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(c) of the Regulations.

**CONSENT**

Toni Robinette, 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 and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law 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 as follows:

1. Toni Robinette, C.N.A., is hereby REPRIMANDED.
2. Ms. Robinette 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 P. Douglas  
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director, Virginia Board of Nursing

ENTERED: December 12<sup>th</sup>, 2013

SEEN AND AGREED TO:

Toni Robinette CNA  
Toni Robinette, C.N.A.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Scott, TO WIT:

Subscribed and sworn to before me, Teresa A. Cape, a Notary Public, this 3rd day of December, 20013.

My commission expires 11-30-2016.

Registration Number 296644.

Teresa A. Cape  
NOTARY PUBLIC

Certified True Copy

By [Signature]  
Virginia Board of Nursing

