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VIRGINIA:

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BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE: KEVIN M. TUNSTALL, L.P.N. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Kevin M. Tunstall, as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Tunstall's application for licensure by endorsement to practice as a practical nurse in Virginia.

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

FINDINGS OF FACT

1. Kevin M. Tunstall submitted an application for licensure by endorsement to practice as a practical nurse in Virginia, which was received by the Board on April 11, 2013. Mr. Tunstall holds License No. 313328 to practice as a practical nurse in Texas. Said license is scheduled to expire on January 31, 2015. His primary state of residence is Virginia.
2. On December 8, 2009, Mr. Tunstall was convicted in the Circuit Court for the County of Frederick, Virginia, of one count of misdemeanor embezzlement. He was sentenced to 12 months incarceration with 10 months suspended. He was ordered to pay fines, costs, and restitution. All fines, costs and restitution were paid on December 8, 2009.
3. By Consent Order entered February 12, 2013 ("Texas Order"), The Texas Board of Nursing granted Mr. Tunstall's application for licensure as a practical nurse but placed him probation for at least one year, with certain terms and conditions including working in a supervised setting, completing 6 hours of continuing education in the areas of nursing jurisprudence and ethics, providing his employer with a copy of the Texas Order, having the employer submit a form indicating that they are aware of the order, submission of quarterly job reports, and a \$2,500 monetary penalty. The action was based on Mr. Tunstall's embezzlement conviction.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(4) of the Code of Virginia (1950), as amended (“Code”).
2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(7) of the Code.
3. Mr. Tunstall otherwise meets the requirements of § 54.1-3020 and 54.1-3021 of the Code.

CONSENT

Kevin M. Tunstall, by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he 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 him;
4. He waives all such right to an informal conference;
5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his application for licensure to practice practical nursing 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 Kevin M. Tunstall for licensure by endorsement to practice practical nursing in the Commonwealth of Virginia is hereby APPROVED, and Mr. Tunstall shall be placed on PROBATION under the following terms and conditions:

1. The period of probation shall begin on the date that this Consent Order is entered and shall end at such time as Kevin M. Tunstall has completed one year of active employment as a practical nurse. The license of Mr.

Tunstall shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.

2. Mr. Tunstall shall inform the Board in writing within 10 days of the date he begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Mr. Tunstall shall provide the name and address of each employer to the Board.

3. Mr. Tunstall shall inform his current nursing employer and each future nursing employer that the Board has placed him on probation and shall provide each employer with a complete copy of this Consent Order. If Mr. Tunstall is employed through a staffing agency, he shall inform his supervisor in each facility where assigned that he is on probation.

4. Performance Evaluations shall be provided, at the direction of Kevin M. Tunstall, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Consent Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

5. Mr. Tunstall shall practice nursing only in a structured and supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide supervision by a professional nurse or a licensed practical nurse, who holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Mr. Tunstall shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

6. Mr. Tunstall shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

7. Mr. Tunstall shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The

first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

8. The Board shall issue Mr. Tunstall a license marked "Valid in Virginia Only; Probation with Terms."


9. Mr. Tunstall shall conduct himself a licensed practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

10. Any violation of the terms and conditions of this Consent Order, or failure to comply with all terms of this order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Mr. Tunstall and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

11. This Order is applicable to Mr. Tunstall's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Tunstall shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Mr. Tunstall wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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


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

ENTERED: August 14, 2013

SEEN AND AGREED TO:

Kevin M. Tunstall
Kevin M. Tunstall

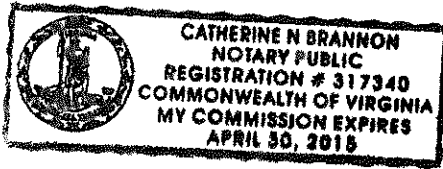
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Winchester, TO WIT:

Subscribed and sworn to before me, Catherine Hassler, a Notary Public, this 5th day of Aug, 2013.

My commission expires 4/30/15.

Registration Number 317340

Catherine N. Hassler
Commissioned as Catherine N. Brannon
NOTARY PUBLIC



Certified True Copy

By [Signature]
Virginia Board Of Nursing