

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TABIATHA NICOLE WELCH, C.N.A.
Certificate Number: 1401-128127
Case Number: 169974

RATIFICATION AND ORDER

On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Tabiatha Nicole Welch, C.N.A. was not present nor was she represented by legal counsel.


In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, 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.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Welch's health records or health services.

Since Ms. Welch failed to appear at the informal conference, this Order shall be considered final. Ms. Welch 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. Welch has thirty 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., F.R.E., 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 days are added to that period.

FOR THE BOARD



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

ENTERED AND MAILED ON:

October 4, 2016

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TABIATHA NICOLE WELCH, C.N.A.
Certificate Number: 1401-128127
Case Number: 169974

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on August 24, 2016 in Henrico County, Virginia, to inquire into evidence that Tabiatha Nicole Welch, C.N.A. may have violated certain laws governing the practice of certified nurse aides in the Commonwealth of Virginia.

Ms. Welch did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated July 27, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Welch notifying her that an informal conference would be held on August 24, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The Notice sent by certified mail was accepted by Ms. Welch on July 29, 2019. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Welch and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Tabiatha Nicole Welch, C.N.A. was issued Certificate Number 1401-128127 to practice as a nurse aide on January 30, 2009, which is scheduled to expire on January 31, 2017. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Ms. Welch violated Virginia Code § 54.1-3007(6) in that she is unable to safely practice as a certified nurse aide due to mental illness and her admitted substance abuse, as evidenced by the following:

a. By her own admission, Ms. Welch used multiple types of pain medications, including intravenous drugs, and was admitted to Lynchburg Community Center, Lynchburg, Virginia, in or about 2011 for detoxification.

b. On March 12, 2012, Ms. Welch presented to the Carilion Clinic, Bedford Memorial Hospital, Bedford, Virginia, for increased anxiety and suicidal ideations. She tested positive for benzodiazepines, cocaine, cannabinoid and opiates. Ms. Welch was referred for inpatient substance abuse treatment.

c. On September 14, 2015, Ms. Welch was voluntarily admitted for inpatient treatment to Lewis Gale Behavioral Health, Salem, Virginia, due to increased symptoms of depression. Her diagnoses included major depressive disorder, severe, rule out substance abuse mood disorder, history of cannabis and benzodiazepine abuse. Upon admission, Ms. Welch tested positive for THC and benzodiazepines.

d. On January 27, 2016, Ms. Welch was convicted of unauthorized possession of drug paraphernalia in the Roanoke County, Virginia, General District Court.

3. Ms. Welch violated Virginia Code § 54.1-3007(4) in that on September 9, 2015, she was convicted of petit larceny in the Roanoke County General District Court.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The certificate issued to Tabiatha Nicole Welch to practice as a nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The certificate of Ms. Welch will be recorded as SUSPENDED.
3. Should Ms. Welch seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Welch to demonstrate that she is safe and competent to return to the practice as a nurse aide. Ms. Welch shall be responsible for any fees that may be required for the reinstatement and/or renewal of the certificate prior to issuance of the certificate to resume practice.

Reviewed and approved on August 31, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate