

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TABIATHA NICOLE WELCH, C.N.A.
Certificate Number: 1401-128127
Expiration Date: January 31, 2017
Case Number: 169974

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing ("Board") regarding your certificate to practice as a nurse aide in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board of Nursing.
DATE AND TIME:	August 24, 2016 at 2:00 p.m.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your certificate, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBIT:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

1. Deadline for filing exhibits: **August 17, 2016**. Submit five copies of all documents you want the Board to consider to Brenda Krohn, R.N., M.S., Deputy Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Brenda Krohn, R.N., M.S., Deputy Executive Director at the above address: August 17, 2016. NOTE: the failure to object to exhibits does not deprive you of the right to contest their contents at the proceeding.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that:

1. At all times relevant hereto, Tabiatha Nicole Welch, C.N.A. was certified to practice as a nurse aide in the Commonwealth of Virginia.

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 or about 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 or about 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 or about 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 or about September 9, 2015, she was convicted of petit larceny in the Roanoke County General District Court.

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.

A handwritten signature in black ink, appearing to read "Brenda Krohn R.N., M.S.", written over a horizontal line.

Brenda Krohn, R.N., M.S.
Deputy Executive Director
Virginia Board of Nursing

July 27, 2016
Date