

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE : ALISHA SEXTON, C.N.A.  
Certificate Number: 1401-180626  
Case Number: 175418

RATIFICATION AND ORDER

On May 17, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Alisha Sexton, 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. Sexton's health records or health services.

Since Ms. Sexton failed to appear at the informal conference, this Order shall be considered final. Ms. Sexton 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. Sexton 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 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.

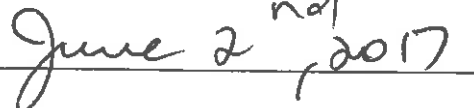
FOR THE BOARD

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

Certified True Copy

By   
Virginia Board Of Nursing

ENTERED AND MAILED ON:

  
June 2<sup>nd</sup>, 2017

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           ALISHA SEXTON, C.N.A.**  
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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on April 5, 2017 in Henrico County, Virginia, to inquire into evidence that Alisha Sexton, C.N.A., may have violated certain laws and regulations governing the practice as a certified nurse aide in the Commonwealth of Virginia.

Ms. Sexton 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 March 6, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Sexton notifying her that an informal conference would be held on April 5, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The Notice sent by first class mail and the Notice sent by certified mail were both returned unclaimed to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Sexton and the informal conference proceeded in her absence.

**Recommended Findings of Fact and Conclusions of Law**

1. Alisha Sexton, C.N.A., was issued Certificate Number 1401-180626 to practice as a nurse aide on June 14, 2016, which is scheduled to expire on June 30, 2018. At all times relevant to the findings herein, said certificate was in full force and effect.

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

a. Between June 21 and June 28, 2016, Ms. Sexton received inpatient psychiatric treatment pursuant to a temporary detention order at the Carilion Clinic, Roanoke Rehab Building, Roanoke, Virginia, for depression and suicidal ideation. Her discharge diagnoses included major depressive disorder, severe, recurrent, without psychotic features; cannabis use disorder, mild; and methamphetamine use disorder, mild.

b. Ms. Sexton received substance abuse counseling from Mount Rogers Community Services Board, Marion, Virginia, beginning on June 30, 2016.

c. On November 11, 2016, Ms. Sexton's primary care provider told an investigator for the Department of Health Professions that she did not feel confident that Ms. Sexton was safe to practice as a certified nurse aide at that time.

d. See Confidential Exhibit I.

3. Ms. Sexton failed to return the contact attempts by the investigator for the Department of Health Professions. Her practice history as a certified nurse aide is unknown.

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

### **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 of Alisha Sexton, C.N.A., to practice as a nurse aide is **SUSPENDED**.
2. The certificate will be recorded as suspended.
3. Should Alisha Sexton, C.N.A., seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Sexton to demonstrate that she is safe and competent to return to the practice of certified nurse aides. Ms. Sexton 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.
4. The suspension shall be **STAYED** upon proof of Ms. Sexton's entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").
5. Upon stay of the suspension, Ms. Sexton shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
6. Ms. Sexton shall comply with all laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.
7. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the certificate of Alisha Sexton, C.N.A., and the certificate shall be recorded as suspended. After any rescission of the stay of suspension, Ms. Sexton may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.
8. Upon receipt of evidence of Ms. Sexton's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Sexton's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted certificate.

**Certified True Copy**

By   
Virginia Board Of Nursing

Reviewed and approved on April 19, 2017  
By Judith Piersall, R.N., B.S.N.  
Agency Subordinate