

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ALISHA SEXTON, C.N.A.
Certificate Number: 1401-180626
Expiration Date: June 30, 2018
Case Number: 175418

**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.

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| TYPE OF PROCEEDING: | This is an informal conference before an Agency Subordinate of the Board. |
| DATE AND TIME: | April 5, 2017 at 9:00 a.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.

INFORMAL CONFERENCE MATERIALS:

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 DEADLINE

Deadline for filing materials: **March 29, 2017**. Submit 5 copies of all documents you want the Board to consider to Sylvia Tamayo-Suijk, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **March 29, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **March 29, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Alisha Sexton, C.N.A., was certified to practice as a nurse aide in the Commonwealth of Virginia.
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 or about 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.

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.



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

March 6, 2017

Date