

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: RAPHEAL LASHAY OAKLEY, C.N.A.**

**Certificate Number: 1401-172047**

**Case Numbers: 170337, 160766**

**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. Rapheal Lashay Oakley, 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(10), Ms. Oakley may, not later than 5:00 p.m., on June 26, 2017, notify Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD

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

ENTERED AND MAILED ON:

May 24, 2017

This Order shall become final on June 26, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy  
By   
Virginia Board Of Nursing

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:       RAPHEAL LASHAY OAKLEY, C.N.A.**  
**Certificate Number: 1401-172047**  
**Case Numbers:       170337, 160766**

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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), Nancy Durrett, R.N., M.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on March 9, 2017 in Henrico County, Virginia, to inquire into evidence that Rapheal Lashay Oakley, C.N.A., may have violated certain laws and regulations governing the practice as a nurse aide in the Commonwealth of Virginia.

Ms. Oakley appeared 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 January 30, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Oakley notifying her that an informal conference would be held on March 9, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

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

1.     Rapheal Lashay Oakley, C.N.A., was issued Certificate Number 1401-172047 to practice as a nurse aide on February 19, 2015, which is scheduled to expire on February 28, 2018. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Ms. Oakley violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-25-100(2)(d) and (e) of the Regulations Governing Certified Nurse Aides (“Regulations”) in that during her employment at Riverside Rehabilitation Center-West Point, West Point, Virginia (“Riverside Rehab”), on October 9, 2015:

a. Ms. Oakley failed to provide incontinence care to Resident A, who is unable to express his needs, by leaving the resident in his wheelchair, saturated in urine to the extent that urine was dripping from his wheelchair. In addition, Ms. Oakley failed to change Resident A’s soiled bedlinens. Ms. Oakley falsely documented in Resident A’s record that he had been toileted and bathed during her shift. A facility investigation determined that Resident A had been sitting in his wheelchair in the dayroom from breakfast until approximately 3:20 p.m. when he was changed. Ms. Oakley reportedly stated to the Director of Nursing that she had not touched the resident all day because she “didn’t have time.” At the informal conference, Ms. Oakley denied making the statement.

b. Ms. Oakley failed to provide incontinence care to Resident B and falsely documented in Resident B’s record that he had been toileted and bathed during her shift. Ms. Oakley stated during the facility investigation that she did not have time during her shift to attend to him. Ms. Oakley denied that she failed to attend to Resident B.

3. At the informal conference, Ms. Oakley stated that she did provide incontinence care to Residents A and B. She stated that when she checked on Resident A he was dry and that she and another aide changed Resident A’s bedlinens. Ms. Oakley also stated that she bathed and toileted Resident B during her shift.

4. Ms. Oakley’s employment with Riverside Rehab was terminated on October 19, 2015 for failure to provide incontinence care to residents during her shift.

5. Ms. Oakley violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-25-100(2)(d) of the Regulations in that during the course of her employment with AmeriCare Plus, Saluda, Virginia, she submitted false timesheets for payment verifying that she made scheduled home health visits and provided care to a client for 4.25 hours each day, on October 20-24, 2014, October 27-31, 2014, November 3-7, 2014, and November 10-13, 2014, when, in fact, she only provided care for 2.25 hours each day. Ms. Oakley stated that she may have mixed up her timesheets with someone who was sharing her car.

6. Ms. Oakley's employment with Americare Plus was terminated on November 25, 2014 for falsifying documentation.

7. In an interview with an investigator with the Department of Health Professions, Ms. Oakley falsely stated that she had not been terminated from a nursing job prior to her termination from Riverside.

8. Ms. Oakley stated that she is currently working at a mental health group home in Aylett, Virginia and has been there for one year. She stated that her employer is aware that her employment was terminated at Riverside Rehab.

9. Finding of Fact and Conclusion of Law Nos. 2(a) and (b) constitute a Finding of Neglect pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

#### **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 Rapheal Lashay Oakley, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Rapheal Lashay Oakley, C.N.A., will be recorded as REVOKED.

3. A Finding of Neglect shall be ENTERED against Rapheal Lashay Oakley, C.N.A., in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Oakley's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

Reviewed and approved on April 4, 2017  
By Nancy Durrett, R.N., M.S.N.  
Agency Subordinate