

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: NAJAH WALKER, C.N.A.

Certificate Number: 1401-159044

Case Number: 171387

RATIFICATION AND ORDER

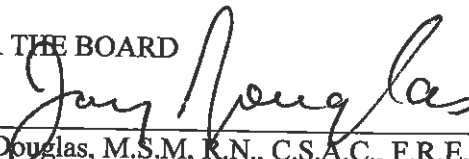
On March 22, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Najah Walker, C.N.A., was not present nor was she represented by legal counsel.

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.

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



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

ENTERED AND MAILED ON:

April 3RD, 2017

Certified True Copy

By 
Virginia Board Of Nursing

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Nancy Durrett, R.N., M.S., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on February 8, 2017 in Henrico County, Virginia, to inquire into evidence that Najah Walker, C.N.A., may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Walker 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 January 11, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Walker notifying her that an informal conference would be held on February 8, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. Neither the Notice sent via certified mail nor the receipt for the Notice sent via certified mail was returned to the Board office. The Notice sent via first-class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Walker and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Najah Walker, C.N.A., was issued Certificate Number 1401-159044 to practice as a nurse aide on April 11, 2013, which is scheduled to expire on April 30, 2017. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Ms. Walker violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides in that:

a. During the course of her employment with Brightstar of Charlottesville, Charlottesville, Virginia, on December 26, 2015, Ms. Walker failed to appear for a scheduled shift for a total care home health client without authorization or justification. Further, she failed to appear for another shift that day. Her employment with Brightstar was terminated.

b. During the course of her employment with The Heritage Inn of Charlottesville, Virginia, on March 2, 2014, Ms. Walker failed to appear for a scheduled home health care shift without authorization or justification. Her employment with The Heritage Inn was terminated.

3. Ms. Walker violated Virginia Code § 54.1-3007(2) and 18 VAC 90-25-100(2)(d) of the Regulations in that on her April 27, 2015, application for employment with Brightstar of Charlottesville, Virginia, she failed to disclose her previous employment with The Heritage Inn of Charlottesville or that it had been terminated on March 3, 2014, for failure to appear for a scheduled home health care shift.

4. Ms. Walker's employment with Visiting Angels was terminated for failing to appear at a client's home for consecutive shifts, and her employment with Morningside was terminated for a "no-call, no-show" offense.

5. Finding of Fact No. 2 constitutes 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 Najah Walker, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Najah Walker, C.N.A., will be recorded as REVOKED.
3. A Finding of Neglect shall be ENTERED against Najah Walker, 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. Walker'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 March 9, 2017
By Nancy Durrett, R.N., M.S.
Agency Subordinate