

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KELLY NICOLE DURHAM, R.M.A.
License Number: 0031-009130
Case Number: 174065

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on February 21, 2017, in Henrico County, Virginia, to inquire into evidence that Kelly N. Durham, R.M.A., may have violated certain laws and regulations governing the practice of medication aides in the Commonwealth of Virginia.

Kelly Nicole Durham, R.M.A., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated January 25, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Durham notifying her that an informal conference would be held on February 21, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Kelly Nicole Durham, R.M.A., was issued Registration Number 0031-009130 to practice as a medication aide on January 19, 2016, which is scheduled to expire on October 31, 2017. At all times relevant to the findings contained herein, said registration was current and active.

2. Kelly Nicole Durham, R.M.A., violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-60-120(2)(f) of the Regulations Governing the Registration of Medication Aides in that during the course of her employment with The Mayflower, Lexington, Virginia, on April 28, 2016:

a. While providing care to Resident A, who was combative, Ms. Durham placed Resident A's mattress on the floor of her bedroom, placed her blankets in the hallway and told her to make her bed.

b. While providing care to Resident B, who was also combative, Ms. Durham told her co-worker that she would "flick his weiner" if he did not cooperate.

3. Ms. Durham's employment was terminated on May 18, 2016.

4. At the informal conference, Ms. Durham acknowledged that working with the elderly may not be in her best interest at this time.

ORDER


Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Kelly Nicole Durham, R.M.A., is REPRIMANDED.

2. Kelly Nicole Durham, R.M.A., shall comply with all laws and regulations governing the practice of medication aides in the Commonwealth of Virginia.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

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:

March 3, 2017

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Durham may, not later than 5:00 p.m., on April 5, 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. This Order shall become final on April 5, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing