

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KELLY NICOLE DURHAM, R.M.A.
Registration Number: 0031-009130
Issue Date: January 19, 2016
Expiration Date: October 31, 2017
Case Number: 174065

**NOTICE OF INFORMAL CONFERENCE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an Informal Conference has been scheduled before the Board of Nursing ("Board") regarding your registration to practice as a medication aide in the Commonwealth of Virginia.

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| TYPE OF PROCEEDING: | This is an informal conference before a Special Conference Committee ("Committee") of the Board. |
| DATE AND TIME: | February 21, 2017 10:30 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. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Refer the matter to the Board of Nursing for a formal administrative hearing;
- Offer you a consent order for suspension or revocation of your registration in lieu of a formal hearing.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Committee 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 Committee will rely in making its 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 distributed to the members of the Committee and will be considered by the Committee 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 DEADLINES:

1. Deadline for filing materials: February 14, 2017. Submit five copies of all documents you want the Board to consider to Melvina Baylor, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Melvina Baylor at the above address: February 14, 2017. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **February 14, 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 **February 14, 2017**.

STATEMENT OF ALLEGATIONS

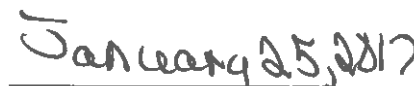
The Board alleges that:

1. At all times relevant hereto, Kelly Nicole Durham, R.M.A., was registered to practice as a medication aide in the Commonwealth of Virginia.
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 or about 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 the resident that she would "flick his weiner" if he did not cooperate.

See Confidential Attachment I for the names of the residents referenced above.



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



Date