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FEB 28 2017

COMMONWEALTH of VIRGINIA VA BD OF NURSING

David E. Brown, D.C.
Director

Department of Health Professions
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TEL (804) 367-4400
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February 27, 2017

April Michelle Witcher, C.N.A.
3132 Sandy Level Road
Goodview, VA 24095

DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 2/27/17

RE: Certificate Number: 1401-125211
Case Number: 178750

Dear Ms. Witcher:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your certificate to practice as a nurse aide in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered February 27, 2017. You are hereby advised that you may not practice as a nurse aide or hold yourself out as a certified nurse aide unless and until the Board of Nursing has notified you in writing that your certificate has been reinstated. Please return your certificate to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your certificate, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your certificate shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at www.dhp.virginia.gov/Nursing.

If you have any questions about this matter, you can contact me at (804) 367-4474 or anne.joseph@dhp.virginia.gov.

Sincerely,

Anne Joseph (handwritten signature)

Anne Joseph, Deputy Director
Administrative Proceedings Division

cc: Jay P. Douglas, Executive Director, Board of Nursing
Enclosures

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: APRIL MICHELLE WITCHER, C.N.A.
a.k.a. April Michelle Whitaker
Certificate Number: 1401-125211
Case Number: 178750


ORDER OF MANDATORY SUSPENSION

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that April Michelle Witcher, C.N.A., was convicted of multiple felony offenses, to wit: medical assistance fraud, welfare fraud, false application for assistance, and conspire to commit title fraud, in the Circuit Court of Bedford County, Virginia. A certified copy of the Conviction and Sentencing Order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the certificate of April Michelle Witcher, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the certificate of April Michelle Witcher, C.N.A., will be recorded as suspended and no longer current and valid. Should April Michelle Witcher, C.N.A., seek reinstatement of her certificate pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the certificate prior to issuance of the certificate to resume practice.

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 or copying on request.



David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED:

2/27/17

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Conviction and Sentencing Order entered April 24, 2015, regarding April Michelle Witcher (a.k.a. April Michelle Whitaker), is a true copy of the records received from the Circuit Court of Bedford County, Virginia.



David E. Brown, D.C.

Date: 2/27/17

CONVICTION AND SENTENCING ORDER

VIRGINIA: IN THE CIRCUIT COURT OF BEDFORD COUNTY

Federal Information Processing
Standards Code: 019

Hearing Date: April 21, 2015
Judge: James W. Updike, Jr.

COMMONWEALTH OF VIRGINIA

v.

APRIL MICHELLE WHITAKER, DEFENDANT

This day came the defendant, April Michelle Whitaker, who appeared according to her recognizance, and also came her attorney, Christopher Kowalczyk. The Commonwealth was represented by W. Wesley Nance.

Upon a motion by the Attorney for the Commonwealth, the Court Orders a Nolle Prosequi of the Indictments for two counts of Medical Assistance Fraud, and one count of Welfare Fraud, False Application for Assistance and Conspire to Commit Title Fraud, in case numbers CR14011481-01, 02, 06, 10, 20.

Whereupon the defendant waived reading of the remaining Indictments, and after being advised by counsel pleaded Nolo Contendere to the remaining Indictments, which pleas were tendered by the defendant in person, and after being first advised by his counsel and by the Court of her right to trial by jury, the defendant in person, knowingly and voluntarily waived trial by jury, and with the concurrence of the Attorney for the Commonwealth and of the Court, the Court proceeded to try the case without the intervention of a jury as provided by law.

Having heard the evidence and the argument of counsel, the Court finds the defendant guilty of the following offenses:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR14011481-00	Medical Assistance Fraud (F)	01/01/10	32.1-314(A)(3)
CR14011481-03	Medical Assistance Fraud (F) VC Code FRD-3337-F9	07/01/11	32.1-314(A)(3)
CR14011481-04	False Application for Assist. (F) VC Code FRD-2700-F5	11/29/11	63.2-502
CR14011481-05	Medical Assistance Fraud (F) VC Code FRD-3337-F9	01/01/12	32.1-314(A)(3)
CR14011481-07	False Application for Assist. (F)	04/18/12	63.2-502

CR14011481-08	VC Code FRD-2700-F5 Medical Assistance Fraud (F)	07/01/12	32.1-314(A)(3)
CR14011481-09	VC Code FRD-3337-F9 Welfare Fraud (F)	07/01/12	63.2-522
CR14011481-11	VC Code FRD-2695-F9 Medical Assistance Fraud (F)	01/01/13	32.1-314(A)(3)
CR14011481-12	VC Code FRD-3337-F9 Welfare Fraud (F)	01/01/13	63.2-522
CR14011481-13	VC Code FRD-2695-F9 False Application for Assist. (F)	03/28/13	63.2-502
CR14011481-14	VC Code FRD-2700-F5 Medical Assistance Fraud (F)	07/01/13	32.1-314(A)(3)
CR14011481-15	VC Code FRD-3337-F9 Welfare Fraud (F)	07/01/13	63.2-522
CR14011481-16	VC Code FRD-2695-F9 False Application for Assist. (F)	10/08/13	63.2-502
CR14011481-17	VC Code FRD-2700-F5 Conspire to Commit Title Fraud (F)	12/13/13	46.2-605(ii)
CR14011481-18	VC Code REG-6737-C6 Medical Assistance Fraud (F)	01/01/14	32.1-314(A)(3)
CR14011481-19	VC Code FRD-3337-F9 Welfare Fraud (F)	01/01/14	63.2-522
CR14011481-21	VC Code FRD-2695-F9 Conspire to Commit Title Fraud (F)	01/16/14	46.2-605(ii)
CR14011481-22	VC Code REG-6737-C6 Conspire to Commit Title Fraud (F)	02/15/14	46.2-605(ii)
CR14011481-23	VC Code FRD-3337-F9 Medical Assistance Fraud (F)	07/01/14	32.1-314(A)(3)
CR14011481-24	VC Code FRD-2695-F9 Welfare Fraud (F)	07/01/14	63.2-522

The defendant having waived a presentence report, and pursuant to the provisions of Code Section 19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ORDERED filed as a part of the record in this case.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to:

Incarceration with the **Virginia Department of Corrections** for the term of 2 years in the penitentiary on each conviction, said sentences to run concurrently, suspended after the service of 90 days in jail on each conviction, said sentences to run concurrently.

The Court **SUSPENDS** the 2 year sentence on each conviction after the service of 90 days in jail on each conviction, said sentences to run concurrently, upon the following conditions:

Substance Abuse Screening. The Defendant shall complete any substance abuse screening, assessment, testing and treatment as directed by the Department of Corrections. The Defendant may be subject to payment of any fees associated with substance abuse treatment or intervention as required by the treatment or intervention program on an ability to pay basis.

Supervised probation. The defendant is placed on probation to commence upon her release from incarceration, under the supervision of a Probation Officer for 2 years, or unless sooner released by the Court or by the Probation Officer. The defendant shall comply with all the rules and requirements set by the Probation Officer. As a further condition of supervised probation, the Court Orders the defendant to pay restitution of \$5,948.50 to Bedford County Department of Social Services, \$288.00 to the Department of Motor Vehicles, \$20,544.92 to Department of Medical Assistance Services, and \$27,985.09 to the Social Security Administration through the Bedford County Circuit Court Clerk's Office at the rate of \$75.00 per month to begin within 30 days of her release from incarceration. In accordance with §19.2-305.2(b), said restitution shall be docketed as a civil judgment against the defendant and in favor of Bedford County Department of Social Services, Department of Motor Vehicles, Department of Medical Assistance Services and Social Security Administration, and in accordance with §19.2-305.4, interest will accrue from the date of this hearing. The defendant is disqualified from receiving Food Stamps through Bedford County Department of Social Services for one year.

The defendant is Ordered to report to the Blue Ridge Regional Jail, Bedford, Virginia on April 30, 2015 at 2:00 p.m.

Costs. The defendant shall pay costs of \$8,050.00.

Credit for time served. The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code Section 53.1-187.

4/24/2015
Date Order Entered


James W. Updike, Jr., Judge

DEFENDANT IDENTIFICATION:

APRIL M. HEATH WHITAKER

SSN: [REDACTED] DOB: 05/24/80

Sex: F

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 2 years
TOTAL SENTENCE SUSPENDED: 1 year, 9 months
TOTAL TIME TO SERVE: 90 days in jail

cc: Comm. Atty.; Atty.; P.O.; Sent. Guid.; Jail

Bedford County Circuit Court, VA

A copy teste. 

Clerk

Dep. Clerk



cm

