

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JUSTINA NICKOLE MAYS, C.N.A. REINSTATEMENT APPLICANT
Certificate Number: 1401-142722
Suspension Date: July 22, 2015
Case Number: 175230

**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 application for reinstatement of your certificate to practice as a certified nurse aide in the Commonwealth of Virginia following its suspension by the Board and your petition for removal of a finding of neglect based on a singular occurrence, pursuant to an Order entered July 22, 2015.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
DATE AND TIME:	February 6, 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. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice as a certified nurse aide.
3. In considering your application, the Committee will consider evidence that grounds may exist to deny your application for reinstatement of your certificate to practice as a certified nurse aide, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:
 - Approve your application and issue an unrestricted certificate to practice as a certified nurse aide.
 - Approve your application and issue a restricted certificate subject to terms and conditions.

- Deny your application;
- Refer the matter to the Board for a formal administrative 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: January 30, 2017. Submit 6 copies of all documents you want the Board to consider to Brenda Krohn, 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 Brenda Krohn at the above address: January 30, 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 **January 30, 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 **January 30, 2017**.

OTHER IMPORTANT INFORMATION:

Pursuant to 18 VAC 90-25-81 of the Regulations Governing Certified Nurse Aides, the burden rests upon you, as the petitioner, to demonstrate that your employment and personal history do not reflect a pattern of abusive behavior or neglect.

STATEMENT OF ALLEGATIONS

The Board alleges that grounds exist to refuse to reinstate the certificate of Justina Nickole Mays to practice as a certified nurse aide in that:

1. Justina Mays violated Virginia Code §54.1-3007(2) and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides (“Regulations”) in that she marked “no” on her C.N.A. reinstatement application to the question asking if she ever had action taken against her certificate, when in fact, on July 22, 2015, the Board had indefinitely suspended Ms. Mays’ C.N.A. certificate.

2. Ms. Mays violated Virginia Code §54.1-3007(2) and 18 VAC 90-25-100(2)(d) of the Regulations in that she falsely represented facts on employment applications, as evidenced by the following:

a. On her application for Team Nurse, Madison Heights, Virginia, dated August 7, 2015, Ms. Mays checked “no” to the question asking if she had ever been discharged or asked to resign by an employer when, in fact, her employment with Central Virginia Training Center (“CVTC”), Madison Heights, Virginia, had been terminated on August 21, 2014, and her employment with Liberty Ridge, Lynchburg, Virginia, had been terminated on July 14, 2015. Ms. Mays also left her employment with CVTC off the application entirely.

b. On her application for Liberty Ridge, dated August 26, 2014, Ms. Mays reported that her reason for leaving CVTC was that she “need[ed] more hours”, when, as stated above, her employment with Central Virginia Training Center (“CVTC”) had, in fact, been terminated on August 21, 2014.



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

January 11, 2017
Date