

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JUSTINA N. MAYS, C.N.A.
Certificate No.: 1401-142722**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on June 11, 2015, in Henrico County, Virginia. Ms. Mays was present and was not represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Mays was present and was not was represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Justina N. Mays, C.N.A. was issued Certificate No. 1401-142722 to practice as a certified nurse aide in Virginia on February 16, 2011. The certificate is scheduled to expire on February 29, 2016.
2. By letter dated April 22, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Mays notifying her that an informal conference would be held on June 11, 2015. The Notice was sent by certified and first class mail to 1655 Larkin Mountain Rd., Amherst, Virginia 24521, the address of record on file with the Board of Nursing.
3. During the course of her employment with the Central Virginia Training Center, Lynchburg, Virginia, on August 1, 2014, Ms. Mays was found sleeping when she was charged with one-on-one care of Resident A, whose condition required constant observation and care.
4. As a result of this incident, Ms. Mays' employment with Central Virginia Training Center was terminated on August 21, 2014.
5. Ms. Mays was previously disciplined during her employment with Team Nurse Home Care

Specialists Medical Staffing Services, South Boston, Virginia for lying down on client's bed while on duty on August 12, 2011. Ms. Mays was also disciplined during her employment with Elite Care Services, LLC, Madison Heights, Virginia for playing music loudly on earphones and then sleeping in a patient's room on May 30, 2012.

6. At the informal conference, Ms. Mays said she was currently working at Liberty Ridge Health and Rehabilitation. She has been there nine months. This employer is not aware of this matter before the Board.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.
2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Neglect pursuant to 42 CFR §483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Certificate No. 1401-142722 of Justina N. Mays, C.N.A. is INDEFINITELY SUSPENDED for a period of not less than one year.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Mays shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a certified nurse aide. Ms. Mays shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.
4. A Finding of Neglect shall be ENTERED against Justina N. Mays, 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. Mays' 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).
5. Since this Finding of Neglect was based on a singular occurrence, Ms. Mays is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of

abusive behavior or neglect.

Pursuant to § 54.1-2400.2 of the Code, 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Mays may, not later than 5:00 p.m., on **August 24, 2015**, notify Jay P. 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.

FOR THE BOARD:




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

ENTERED: July 22, 2015

This Order shall become final on August 24, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing