

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ASHTON NICOLE KENNEDY, C.N.A. REINSTATEMENT APPLICANT
Certificate Number: 1401-163711
Case Number: 175879

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 December 6, 2016, in Henrico County, Virginia, to receive and act upon Ashton Nicole Kennedy’s application for reinstatement of her certificate privilege to practice as a nurse aide in the Commonwealth of Virginia.

Ashton Nicole Kennedy, C.N.A. appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated October 18, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Kennedy notifying her that an informal conference would be held on December 6, 2016. 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. Ashton Nicole Kennedy, C.N.A. was issued Certificate Number 1401-163711 to practice as a nurse aide on November 13, 2013, which expired on November 30, 2015.
2. Ms. Kennedy violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a nurse aide due to substance abuse and/or mental illness, as evidenced by the following:

a. From December 22, 2015 through March 11, 2016, Ms. Kennedy received inpatient psychiatric treatment at Western State Hospital, Staunton, Virginia. She was diagnosed with schizoaffective disorder, bipolar type, moderate cannabis use disorder and moderate amphetamine use disorder.

b. Ms. Kennedy is currently receiving mandatory outpatient treatment at Harrisonburg-Rockingham Community Services Board, Harrisonburg, Virginia, for medication management. Ms. Kennedy stated at the informal conference that the mandatory outpatient treatment will conclude in December, 2016. She stated that she plans to continue her treatment with the CSB for medication management. She stated that she is not participating in any other mental health or substance abuse programs nor has she attended any addiction support groups.

3. Ms. Kennedy stated at the informal conference that she last took methamphetamine two days before the conference.

4. Ms. Kennedy violated Virginia Code § 54.1-3007(1) and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing in that on her application for reinstatement of her certificate to practice as a nurse aide submitted to the Board on August 19, 2016, Ms. Kennedy failed to disclose her history of mental illness and substance abuse. She stated at the informal conference that she misunderstood the question as it was asked on the application.

5. Ms. Kennedy has not demonstrated that she is able to resume safe and competent nurse aide practice.


6. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Kennedy's health records or health services.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS that the application of Ashton Nicole Kennedy for reinstatement of her certificate to practice as a nurse aide is DENIED.

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: December 9, 2016

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Kennedy may, not later than 5:00 p.m., on January 20, 2017, notify Jay Douglas, 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 January 20, 2017, unless a request for a formal administrative hearing is received as described above.