

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ASHTON NICOLE KENNEDY, C.N.A., REINSTATEMENT APPLICANT
Certificate Number: 1401-163711
Expiration Date: November 30, 2015
Case Number: 175879

**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 nurse aide in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
DATE AND TIME:	December 6, 2016 1:00 P.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 safe and competent practice as a 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 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 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: November 22, 2016. Submit 7 copies of all documents you want the Board to consider to NAME, 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: November 22, 2016. 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 **November 22, 2016**, 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 **November 22, 2016**.

STATEMENT OF ALLEGATIONS

The Board alleges that grounds exist to refuse to reinstate the certificate of Ashton Nicole Kennedy, C.N.A. to practice as a nurse aide in that:

1. 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 on or about 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 and the treatment of schizoaffective disorder-bipolar type, moderate amphetamine use disorder, moderate cannabis use disorder, moderate alcohol use disorder, and moderate opioid use disorder.

2. 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 or about August 19, 2016, Ms. Kennedy falsely answered “no” to the question “do you have a mental, physical, or chemical dependency condition which could interfere with your current ability to practice as a nurse aide.” In fact, Ms. Kennedy has a history of mental illness and substance abuse, as set forth in Allegation No. 1.

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.

Brenda Krohn, R.N., M.S.

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

October 18, 2016
Date