

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JESSICA K. HAYNES, L.P.N.
License Number: 0002-086643
Case Number: 169898

RATIFICATION AND ORDER

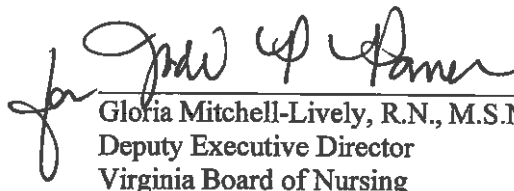
On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Jessica K. Haynes, L.P.N. submitted written comments.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.


Pursuant to Virginia Code § 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.

Since Ms. Haynes failed to appear at the informal conference, this Order shall be considered final. Ms. Haynes has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Haynes has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD


Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing

Certified True Copy

By 
Virginia Board of Nursing

ENTERED AND MAILED ON:

September 29, 2016

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JESSICA K. HAYNES, L.P.N.
License Number: 0002-086643
Case Number: 169898

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on July 14, 2016 in Henrico County, Virginia, to inquire into evidence that Jessica K. Haynes, L.P.N. may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Haynes did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated June 23, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Haynes notifying her that an informal conference would be held on July 14, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. According to the U.S.P.S. tracking website, the Notice sent by certified mail was refused on June 25, 2016. The package was forwarded on June 27, 2016, but on July 7, 2016, delivery failed because the recipient had moved and left no address. As of July 13, 2016, the certified mail package had arrived at the U.S.P.S. facility in Merrifield, Virginia, and it was in transit to its destination. The Notice sent by first class mail was not returned to the Board office. Accordingly, the

Agency Subordinate concluded that adequate notice was provided to Ms. Haynes and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Jessica K. Haynes, L.P.N. was issued License Number 0002-086643 to practice practical nursing on February 28, 2012, which is scheduled to expire on October 31, 2017. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. By order entered February 15, 2012, the Board reprimanded Ms. Haynes and approved her application for licensure by examination as a practical nurse. The Order was based on findings that Ms. Haynes had been convicted of misdemeanor shoplifting.
3. Ms. Haynes violated Virginia Code § 54.1-3007(2), (3), (5), and (8) and 18 VAC 90-20-300(A)(2)(c), (f), and (k) of the Regulations Governing the Practice of Nursing ("Regulations") in that in 2015, during the course of her employment with NurseFinders, Charlottesville, Virginia, she diverted multiple medication cards from multiple patients, as evidenced by the following:
 - a. While working on a contract at Augusta Nursing and Rehabilitation Center, Ms. Haynes diverted venlafaxine from Resident A, oxybutynin from Resident B, lisinopril from Resident C, and sulfamethoxazole from Patient D.
 - b. While working at Fluvanna Correctional Center, Fluvanna, Virginia, Ms. Haynes diverted trazodone (C-IV) from Inmate E.
4. The patients' medications were found in Ms. Haynes' possession by a third party, who reported the matter to NurseFinders. Ms. Haynes failed to meet with or provide a statement to her supervisor at NurseFinders during the investigation of these matters. The investigator for the Department of Health Professions ("DHP") noted that Ms. Haynes' employment was terminated as a result of these investigations.

5. Ms. Haynes violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on her application for employment with NurseFinders dated August 29, 2014, Ms. Haynes listed her reason for leaving employment with the The Lodge at Old Trail, Crozet, Virginia, as "new job." In fact, Ms. Haynes' employment with The Lodge at Old Trail was terminated on May 27, 2014.

6. Ms. Haynes failed to respond to numerous contact attempts by the DHP investigator. She stated in an e-mail to the DHP investigator that she was not sure how driving two hours to meet with the investigator would "work for her."


Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The license issued to Jessica K. Haynes, L.P.N. to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Ms. Haynes will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Ms. Haynes seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Haynes to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Haynes shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on July 29, 2016
By Allison Gregory, M.S., R.N., F.N.P.-B.C.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing