

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TANESHA HICKS MBELE, C.N.A.
Certificate Number: 1401-151234
Case Number: 171454

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. Tanesha Hicks Mbele, C.N.A. was not present nor was she represented by legal counsel.

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. Mbele failed to appear at the informal conference, this Order shall be considered final. Ms. Mbele 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. Mbele 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 P. 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




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

ENTERED AND MAILED ON:

Sept 29, 2016

Certified True Copy

By 

Virginia Board Of Nursing

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on July 12, 2016 in Henrico County, Virginia, to inquire into evidence that Tanesha Hicks Mbele, C.N.A. may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Mbele 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 16, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Mbele notifying her that an informal conference would be held on July 12, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The Notice sent via certified mail was returned unclaimed to the Board office. The Notice sent via first-class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Mbele and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Tanesha Hicks Mbele, C.N.A. was issued Certificate Number 1401-151234 to practice as a nurse aide on March 16, 2012, which is scheduled to expire on March 31, 2017. At all times relevant to the findings herein, said certificate was in full force and effect.
2. Ms. Mbele violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-25-100(2)(h) of the Regulations Governing Certified Nurse Aides in that during the course of her employment with SeniorCorp, Virginia Beach, Virginia, in November 2015, Ms. Mbele stole credit cards from Clients A and B and purchased for her personal and unauthorized use approximately \$6,000 in goods and/or services using Client A's credit card and approximately \$1,200 in goods/services using Client B's credit card.
3. Ms. Mbele resigned her employment with SeniorCorp following the discovery of this incident, and criminal charges are currently pending against her in connection with the matter.
4. Ms. Mbele did not respond to multiple attempts by the Department of Health Professions' ("DHP") investigator to contact her. She was not interviewed as part of the DHP investigation.

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 certificate issued to Tanesha Hicks Mbele to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Tanesha Hicks Mbele will be recorded as REVOKED.
3. A Finding of Misappropriation of patient property shall be ENTERED against Tanesha Hicks Mbele 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 Tanesha Hicks Mbele's 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).

Reviewed and approved on August 11, 2016
By Judith Piersall, R.N., B.S.N.
Agency Subordinate