

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: RACHEL MALAIKA KONE, R.N. REINSTATEMENT APPLICANT
License Number: 0001-172214
Case Number: 173410

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 August 8, 2016, in Henrico County, Virginia, to receive and act upon Rachel M. Kone's application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

Rachel Malaika Kone, R.N. appeared at this proceeding and was represented by Margaret Hardy, Esquire.

NOTICE

By letter dated July 8, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Kone notifying her that an informal conference would be held on August 8, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

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. Rachel Malaika Kone, R.N. was issued License Number 0001-172214 to practice professional nursing on July 2, 2001. Her primary state of residence is Virginia. She also holds a

license to practice as a registered nurse in the State of California, which was suspended on August 14, 2014, and expired licenses in the District of Columbia and the State of New Jersey.

2. By Order entered June 23, 2010, the Board placed Ms. Kone on probation based on findings that she had committed numerous errors in her nursing practice. By Order entered June 8, 2012, the Board indefinitely suspended Ms. Kone's license. This Order was based on findings that Ms. Kone had failed to comply with the terms and conditions imposed on her in the June 23, 2010 Order, and that she had committed further practice errors.

3. Ms. Kone submitted an application for reinstatement of her license on June 22, 2015.

4. At the informal conference, Ms. Kone stated that her poor practice was the result of personal problems that she has since resolved. She took responsibility for her errors and stated that she has learned from her mistakes.

5. Since her license was suspended, Ms. Kone has worked as a personal care aide in a home health setting. There have been no concerns about her practice. She also volunteers several hours a week at Prince William Hospital with oncology patients.

6. Ms. Kone submitted evidence of completing over 200 hours of continuing nursing education.

7. Ms. Kone has demonstrated that she is prepared to resume the safe and competent practice of nursing, with supervision.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The application of Rachel Malaika Kone for reinstatement of her license to practice professional nursing is APPROVED and Ms. Kone shall be placed on INDEFINITE PROBATION for not less than one year of actual nursing practice subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After Rachel Malaika Kone has completed one year of active nursing practice, she may request that the Board end this probation.

b. Rachel Malaika Kone shall only practice professional nursing in a structured, supervised employment setting pre-approved by the Board under the on-site supervision of a Board-approved physician or professional nurse who holds an unrestricted license and works on the same shift.

c. For all current practice employment, and before beginning or changing practice employment during this period, Rachel Malaika Kone shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

d. Rachel Malaika Kone shall submit "Self Reports" which include a current address, telephone number, email address, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Rachel Malaika Kone has current practice employment or not. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date of entry of the Order and subsequent reports due the last day of the March, June, September, and December until Rachel Malaika Kone is notified, in writing, that the reporting requirement is ended.

e. Rachel Malaika Kone shall notify the Board within ten days, in writing, of any change in address, telephone number, or e-mail address, changes in the location of her practice, additional practice locations, change in employment, including termination, suspension, separation, or

other interruption in practice (including the name and address of any new employer and the date of employment), or any criminal charges or convictions.

f. Rachel Malaika Kone shall provide her current and each future nursing employer immediately upon employment with a copy of this Order in its entirety.

g. Rachel Malaika Kone shall ensure that the supervisor shall provide quarterly reports to the Board regarding Rachel Malaika Kone's clinical judgment, clinical performance, recordkeeping / documentation, medication administration, and overall performance.

h. Rachel Malaika Kone shall sign all required authorization forms within 60 days of the date of entry of this Order allowing for unrestricted communication between and among the Board and her practice supervisor(s) and her employer(s) or potential or intended employer(s).

i. Rachel Malaika Kone shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

2. The Board shall issue a license marked "Valid in Virginia Only: Probation with Terms."

3. Rachel Malaika Kone shall bear any costs associated with the terms and conditions of this Order.

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

5. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Rachel Malaika Kone, and an administrative proceeding shall be held to determine whether to impose such action.

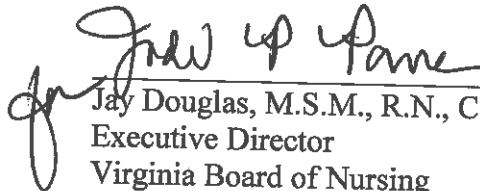
6. This Order shall remain in effect until the Board has notified Rachel Malaika Kone in writing that she is released from probation.

7. This Order is applicable to Rachel Malaika Kone's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Rachel Malaika Kone shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. The Executive Director of the Board is authorized to issue an Order acknowledging satisfactory completion of the foregoing conditions or to refer the matter to an administrative proceeding for review of Rachel Malaika Kone's compliance with the foregoing conditions.

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: August 29, 2016

Certified True Copy

By 
Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Kone may, not later than 5:00 p.m., on September 30, 2016, notify Jay P. 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 September 30, 2016, unless a request for a formal administrative hearing is received as described above.