

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**RACHEL M. KONE, R.N.
LICENSE NO.: 0001-172214**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 14, 2012, in Henrico County, Virginia, to inquire into evidence that Rachel M. Kone, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia and to inquire into evidence that Ms. Kone may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on June 23, 2010. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Kone was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Rachel M. Kone, R.N., was issued License No. 0001-172214 to practice as a professional nurse in the Commonwealth on July 2, 2001, which is scheduled to expire on January 31, 2014.
2. Based upon the representations of Mr. Kazzie and Commonwealth's Exhibits #1 and #2, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.

3. During the course of her employment with Colonial Heights Health and Rehabilitation Center:

a. On January 22, 2011, Ms. Kone failed to change a would dressing on Resident A, an alert and oriented resident who reported the oversight, despite the fact that Ms. Kone had documented the dressing change in Resident A's medical record with her initials. Ms. Kone admitted to facility staff during the investigation that she had not performed the dressing change.

b. On January 23, 2011, Ms. Kone failed to provide Resident B with a dressing change, although she documented having completed the treatment on Resident B's medical record. Ms. Kone admitted to not providing treatment on one or two days from January 22 through January 24, claiming that this resident was combative and she needed extensive assistance to provide treatment. The Director of Nursing testified that Patient B was never noted for being combative.

4. Ms. Kone's employment with the Colonial Health and Rehabilitation Center was terminated.

5. On June 23, 2010, the Board entered an Order affecting Ms. Kone's license to practice professional nursing and placing her on probation.

6. The Board's Order dictated that performance evaluations were to be provided, at the direction of Ms. Kone, by all nursing employers, as provided by the Compliance Division. Ms. Kone failed to submit the performance evaluation that was due on December 31, 2010, until January 13, 2011.

7. The Board's Order dictated that for all current nursing employment, and before beginning or changing nursing employment during the first year of probation, Ms. Kone was required to have all current employers provide a written description of the employment setting to the Board office for approval. Ms. Kone failed to secure approval from the Board regarding her employment with Colonial Heights Health and Rehabilitation Center for six weeks after entry of the Order.

8. The Board's Order dictated that Ms. Kone was required to return all copies of her license to practice as a professional nurse within ten days of the entry of the Board's Order on June 25, 2010. Ms. Kone failed to return the copies of the license within the time period prescribed.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 3(a) and 3(b) constitute a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 6 constitutes a violation of Term No. 1(d) of the Board's Order.
3. Finding of Fact No. 7 constitutes a violation of Term No. 1(e) of the Board's Order.
4. Finding of Fact No. 8 constitutes a violation of Term No. 1(g) of the Board's Order.

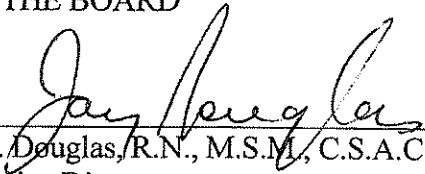
ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Rachel M. Kone, R.N., is hereby REPRIMANDED.
2. License No. 0001-172214, issued to Rachel M. Kone, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.
3. The license of Ms. Kone will be recorded as SUSPENDED and no longer current. Should Ms. Kone seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.
4. At such time as Ms. Kone shall petition the Board for reinstatement of her license, a hearing will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.
5. This Order shall be applicable to Ms. Kone's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



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

ENTERED June 8th 2012
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Certified True Copy

By Kristal Blanton
Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.