

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: RAMATU SESAY, C.N.A. REINSTATEMENT APPLICANT
License Number: 1401-157459
Suspension Date: July 23, 2015
Case Number: 173610

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a formal hearing has been scheduled before the Board of Nursing (“Board”) regarding your application for reinstatement of your certificate to practice professional nursing in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board of Nursing.
DATE AND TIME:	July 18, 2016 11:00 A.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 formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). 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 able to resume safe and competent nurse aide practice.

3. In considering your application, the Board will consider evidence that grounds may exist to deny your application for reinstatement of your certificate to practice as a certified nurse aide, as more fully set out in the enclosed Statement of Allegations.

4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Approve your application and issue an unrestricted certificate to practice as a certified nurse aide;

- Approve your application and issue a restricted certificate subject to terms and conditions;
- Deny your application;
- Deny your application and continue your certificate on indefinite suspension or revoke your certificate.

ABSENCE OF RESPONDENT AND RESPONDENT’S COUNSEL:

If you fail to appear at the formal hearing, the Board 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 Board 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.

COMMONWEALTH’S EXHIBIT:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by overnight mail. Please bring these documents with you to the formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: July 13, 2016. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, 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 Darlene Graham at the above address: July 13, 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.

OTHER IMPORTANT INFORMATION:

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your certificate requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

If the Board finds that there is sufficient evidence to find you in violation of the allegation(s) stated below and Virginia Code § 54.1-3007(8), the Board shall make a finding of abuse, neglect, and/or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry

pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit your future employment as a certified nurse aide in any long term care facility that receives Medicare or Medicaid reimbursement.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that grounds exist to refuse to reinstate the certificate of Ramatu Sesay, C.N.A. to practice as a certified nurse aide in that:

1. Ramatu Sesay, C.N.A., violated Virginia Code § 54.1-3007(7) in that, on February 10, 2014, by Order of the Maryland Board of Nursing (“MBN”), Ms. Sesay’s certificates to practice as a nursing assistant and as a medication technician were revoked. Pursuant to Virginia Code § 54.1-2409, the revocation of Ms. Sesay’s certificate to practice as a nursing assistant formed the basis for the mandatory suspension of her certificate by Order of the Department of Health Professions entered July 23, 2015.

2. Ms. Sesay violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides (“Regulations”) in that, during the course of her employment as a certified nursing assistant with Aberdeen Manor (“Aberdeen”), Rockville, Maryland, from September 2010 to December 2010, Ms. Sesay failed, on three separate occasions, to adequately protect and prevent a resident, a 77-year-old woman who suffered from dementia and had been determined to be a wandering risk, to wander from the facility unattended. Ms. Sesay also failed to properly document medication administration to this resident.

3. Ms. Sesay violated Virginia Code § 54.1-3007(1) and 18 VAC 90-25-100(1)(b) of the Regulations, in that she falsely represented facts on her Application for Reinstatement, dated April 15, 2016, as evidenced by the following:

- a. Ms. Sesay answered “No” to question 2 which asks “Have you ever had action taken against or been denied a license or certification in a health-related field?”, when, in fact, by Order of the MBN, Ms. Sesay’s certificates to practice as a nursing assistant and as a medication technician were revoked on February 10, 2014.
 - b. Ms. Sesay omitted, from section 4, one of her most recent nursing related employers, Comfort Keepers, Rockville, Maryland, where her employment had been terminated on December 20, 2014 for conduct and attendance.
 - c. Ms. Sesay indicated, on section 4, that she ended her employment with Options for Senior America (“Options”), a home care provider in Gaithersburg, Maryland, on June 18, 2015, due to the length of her commute, when, in fact, she continued to work for Options until at least June of 2016.
4. Ms. Sesay violated Virginia Code § 54.1-3007(2) and 18 VAC 90-25-100(2)(d) of the Regulations in that she falsely represented facts on employment related documents. On her employment application with Options, dated April 17, 2015, Ms. Sesay indicated that she had certifications as both a certified nurse assistant and certified medication technician through the State of Maryland, when, in fact, the MBN had revoked those certifications on February 10, 2014.
 5. Ms. Olsen violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-25-100(2)(b) of the Regulations in that she practiced as a certified nurse assistant after having been notified by the MBN, on February 10, 2014, that her certificate had been revoked. From April 2015 to June 2016, Ms. Sesay worked for Options, in the District of Columbia, under her Maryland certification. Ms. Sesay does not have a certificate or license in the District of Columbia, and her Maryland certified nurse assistant certification had been revoked. On July 23, 2015, Ms. Sesay’s Virginia C.N.A. certificate was also suspended.



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

Date July 8TH, 2016