

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MONTESE YEVETTE WINSTON, C.N.A.
Certificate Number: 1401-079934
Case Number: 163241

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on July 21, 2016, in Henrico County, Virginia, to inquire into evidence that Montese Yevette Winston, C.N.A., may have violated certain laws governing the practice of nurse aides in the Commonwealth of Virginia.

Montese Yevette Winston, C.N.A. did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated June 22, 2016, the Board of Nursing sent an Amended Notice of Formal Hearing (“Notice”) to Ms. Winston notifying her that a formal administrative hearing would be held on July 21, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Winston and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On June 3, 2000, the Board of Nursing issued Certificate Number 1401-079934 to Montese Yevette Winston, C.N.A. to practice as a nurse aide in the Commonwealth of Virginia. Said

certificate is scheduled to expire on June 30, 2017. At all times relevant hereto, said certificate was in full force and effect.

2. On April 28, 2015, Ms. Winston was hospitalized for substance abuse and mental health treatment. She was discharged on April 29, 2015, and referred to substance abuse treatment. She reported that after being sober for 17 years, she resumed using heroin in November 2014.

3. On May 7, 2015, Ms. Winston began opiate replacement therapy (methadone) for opiate dependence at the Family Counseling Center for Recovery (“FCCR”), Richmond, Virginia.

4. Ms. Winston provided documentation that on May 31, 2016, she entered the methadone treatment program at Sellati and Company/RPMC and that she is also receiving individual counseling.

5. During the course of her employment with the Laurels of Willow Creek, Midlothian, Virginia, on several occasions between July and December, 2014, Ms. Winston was loud and used abusive language towards staff while in the patient care areas.

6. Ms. Winston’s employment at The Laurels of Willow Creek was terminated on January 19, 2015 due to work performance issues, including the actions in Finding of Fact Number 5.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2 and 3 constitute a violation of Virginia Code § 54.1-3007(6).
2. Finding of Fact No. 5 constitutes a violation of Virginia Code § 54.1-3007(5).

ORDER


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

1. The certificate of Montese Yvette Winston to practice as a nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The certificate of Montese Yvette Winston will be recorded as SUSPENDED.

3. Should Montese Yevette Winston seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Montese Yevette Winston to demonstrate that she is safe and competent to return to practice as a nurse aide. Montese Yevette Winston shall be responsible for any fees that may be required for the reinstatement and/or renewal of the certificate prior to issuance of the certificate to resume practice.

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



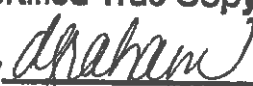
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

August 3RD, 2016

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 Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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.

Certified True Copy
By 

Virginia Board Of Nursing