

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JACQUELINE FAYE REED COLES, C.N.A. REINSTATEMENT APPLICANT
Certificate Number: 1401-148757
Case Number: 172921

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 20, 2016, in Henrico County, Virginia, to receive and act upon Jacqueline Faye Reed Cole's application for reinstatement of her certificate to practice professional nursing in the Commonwealth of Virginia.

Jacqueline Faye Reed Coles did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated June 24, 2016, the Board of Nursing sent a Notice of Formal Hearing (“Notice”) to Ms. Coles notifying her that a formal administrative hearing would be held on July 20, 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. Coles 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. Jacqueline Faye Reed Coles, C.N.A., was issued Certificate No. 1401-148757 to practice as a nurse aide in the Commonwealth of Virginia on November 2, 2011.

Said certificate was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on March 16, 2016.

2. Ms. Coles submitted an application for reinstatement of said certificate to the Board on March 24, 2016.

3. On February 25, 2016, in the Circuit Court for the County of Danville, Virginia, Ms. Coles was convicted and sentenced on two felony counts of grand larceny for her submission of false timesheets while employed by P.B.J.G. Inc., a home care provider. Ms. Coles was sentenced to incarceration for four years, with three years, 11 months, and 25 days suspended on the condition that she be of good behavior for a period of three years. Ms. Coles was placed on supervised probation for a period of one year. This conviction formed the basis of the mandatory suspension of Ms. Coles' certificate by the Virginia Department of Health Professions.

4. Between October 1, 2014 and May 31, 2015, during the course of her employment with P.B.J.G. Inc., a home care provider and sister company of Commonwealth Home Nursing and Hospice, Inc. ("CHNH"), Ms. Coles submitted timesheets for days she had not worked.

5. Ms. Coles falsely represented facts on employment applications, as evidenced by the following:

a. On May 26, 2015, on her employment application for Prince Charles Home Health Care Agency, Ms. Coles falsely claimed her reason for leaving CHNH was "A very bad misunderstanding" when, in fact, her employment with CHNH had been terminated for her falsification of timesheets.

b. On February 4, 2016, on her employment application for Blue Ridge Rehab Center, Ms. Coles falsely claimed her reason for leaving both CHNH and Roman Eagle Rehabilitation ("RER") was "because of a court case" when, in fact, her employment had been terminated from

CHNH for her falsification of timesheets, and from RER for failing to keep RER apprised of her legal status following her felony convictions.

6. Ms. Coles has not worked as a nurse aide since the suspension of her certificate.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(4).
2. Finding of Fact No. 4 constitutes a violation of Virginia Code § 54.1-3007(2) and 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides (“Regulations”).
3. Finding of Fact No. 5 constitutes a violation of Virginia Code § 54.1-3007(2) and 18 VAC 90-25-100(2)(d) of the Regulations.
4. Jacqueline Faye Reed Coles has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, ORDERS that the application of Jacqueline Faye Reed Coles for reinstatement of the certificate to practice as a certified nurse aide in the Commonwealth of Virginia is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the proceeding. Further, it is ORDERED that certificate be CONTINUED on INDEFINITE SUSPENSION for a period of not less than two years. Should Ms. Coles petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice as a certified nurse aide. Jacqueline Faye Reed Coles 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 P. 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 , 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 draham
Virginia Board Of Nursing