

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JESSICA MCGRADY, C.N.A., L.P.N.

ORDER

Pursuant to § 2.2-4019, § 2.2-4021, § 54.1-2400(10) and § 54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), a Special Conference Committee ("Committee") of the Board of Nursing met on February 25, 2003, in Henrico County, Virginia, to receive and act upon evidence that Jessica McGrady, C.N.A., L.P.N., may have violated certain laws and regulations governing the practice of professional nursing in Virginia. Ms. McGrady was present and was represented by Angi Morris, Esquire. Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Jessica McGrady, C.N.A., L.P.N., holds Certificate No. 1401-059790, which expired on June 30, 2002, and License No. 0002-062510, which expires on February 28, 2005. Both Ms. McGrady's certificate to practice as a certified nurse aide and as a licensed practical nurse were issued by the Virginia Board of Nursing.
2. On or about November 20, 2002, Ms. McGrady was properly noticed for an informal conference scheduled for December 9, 2002. Ms. McGrady requested a continuance that was granted. By letter dated December 26, 2002, Ms. McGrady was noticed that the informal conference would be held on February 25, 2003.
3. Based on the finding that no report of possible violation of law or regulation has been made against Jessica McGrady, C.N.A., L.P.N., other than impairment or the diversion of controlled substances for personal use, the Committee defers further findings of fact concerning Ms. McGrady.

### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Committee concludes that Jessica McGrady, C.N.A., L.P.N., is a candidate for the Health Practitioners' Intervention Program ("HPIP").

### ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that it shall Take No Action at this time contingent expressly upon Ms. McGrady's compliance with the following terms and conditions:

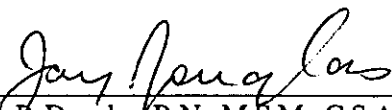
1. Ms. McGrady shall enter into the HPIP, pursuant to Chapter 25.1 of Title 54.1 of the Code, and 18 VAC 76-10-10, et seq., of the Regulations Governing the HPIP and shall have proof of entry into a Contract provided to the Board within thirty (30) days of the entry of this Order.
2. Ms. McGrady shall comply with all terms and conditions of the HPIP for the period specified in the Contract.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate and license of Jessica McGrady, C.N.A., L.P.N., and an administrative proceeding shall be held to decide whether her certificate and her license shall be revoked. Ms. McGrady shall be noticed to appear before a Committee at such time as the Board is notified that:
  - a) Ms. McGrady has failed to make application, or
  - b) Ms. McGrady is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP, or
  - c) There is a pending investigation or unresolved allegations against Ms. McGrady involving a violation of law, regulation or any term or condition of probation or this order, or
  - d) Ms. McGrady has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of evidence of Ms. McGrady's participation in and compliance with the HPIP, the Committee, at its discretion, may waive Ms. McGrady's

compliance with the HPIP, the Committee, at its discretion, may waive Ms. McGrady's appearance before the Committee, and conduct an administrative review of this matter.

Pursuant to § 2.2-4023 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.

If Ms. McGrady does not consent to the committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Jay Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, in writing, at 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230-1712 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a written request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in § 2.2-4020 and § 2.2-4021 of the Code.

FOR THE BOARD

  
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Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director for the  
Board of Nursing  
*March 2<sup>nd</sup>, 2003*  
\_\_\_\_\_  
ENTERED

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Jessica McGrady, C.N.A., L.P.N., at 913 Bland Street, Pulaski, Virginia 24301.

*Jay Douglas*

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

*March 11<sup>th</sup>, 2003*

Date

**Certified True Copy**

By DL 3/12/03  
**Virginia Board of Nursing**