

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: ASHLEY ELAINE SHENK MACAIONI, C.N.A.  
REINSTATEMENT APPLICANT  
Certificate Number: 1401-141561  
Case Number: 173780**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Nursing ("Board") and Ms. Macaioni, C.N.A., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Macaioni's application for reinstatement of her certification to practice as a nurse aide in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Ms. Macaioni, C.N.A. was issued Certificate Number 1401-141561 to practice as a nurse aide on December 8, 2010, which expired on December 31, 2015.
2. Ms. Macaioni, C.N.A. submitted an application for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia on May 3, 2016.
3. Ms. Macaioni violated Virginia Code § 54.1-3007(4) in that on December 14, 2015, she was convicted of petit larceny in the Bedford County, Virginia, General District Court.
4. Ms. Macioni provided evidence that she entered into an installment or deferred payment agreement to pay her court costs associated with her conviction. Ms. Macioni also served 74 days in a trustee program in Amherst County, Virginia, working in the area animal shelter.
5. Ms. Macaioni otherwise meets the requirements for reinstatement of her certificate to practice as a nurse aide.

### CONSENT

Ms. Macaioni, C.N.A., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my certificate except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive all right to an informal conference;
5. I admit to the Findings of Fact and Conclusion of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my application for reinstatement of my certification to practice as a nurse aide in the Commonwealth of Virginia.

### ORDER

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

1. Ms. Macaioni is REPRIMANDED.
2. The application of Ms. Macaioni for reinstatement of her certificate to practice as a nurse aide is APPROVED without restriction.
3. Ms. Macaioni shall comply with all laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

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

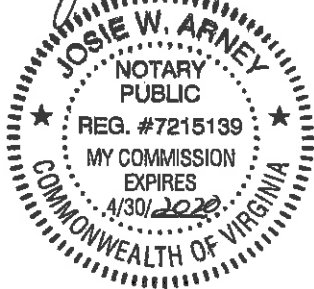
ENTERED: July 5<sup>th</sup>, 2016

SEEN AND AGREED TO:

Ashley E. Macaioni  
Ms. Macaioni, C.N.A.

COMMONWEALTH OF VIRGINIA, Bedford  
COUNTY/CITY OF Virginia, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this 27 day of June, 2016.



Josie W. Arney  
Notary Public

My Commission expires: 4/30/2020

Registration No.: 7215139

Certified True Copy

By L. Mather  
Virginia Board Of Nursing