

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: ROSEMARY JENKINS, R.N.**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on December 10, 2007, in Henrico County, Virginia. Ms. Jenkins was present and was represented by Reginald M. Barley, Esquire. Nancy Durrett, R.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 19, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Jenkins was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Rosemary Jenkins, R.N., was issued License No. 0001-170076 to practice professional nursing in Virginia on August 8, 2000. The license is current.
2. By letter dated July 25, 2007, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Jenkins notifying her that an informal conference would be held on August 22, 2007. The Notice was sent by certified and first class mail to 6557 Godwin Blvd., Suffolk, VA 23432, the address of record on file with the Board of Nursing. The informal conference was continued to December 10, 2007, upon the request of Ms. Jenkins.

3. During her employment with Stay at Home Personal Care, Portsmouth, Virginia, beginning in the summer of 2005, until December, 2005, Ms. Jenkins failed to make supervisory visits to Medicaid home care clients but falsely documented having conducted said supervisory visits, resulting in fraudulent documentation in the patients' records, and fraudulent billing of Medicaid. On January 6, 2006, her employment was terminated as a consequence. At the informal conference, Ms. Jenkins admitted that she had not conducted the required supervisory visits. She stated that she suffered from depression and the depression had become so severe in October, 2005, that she was unable to leave the house to make the supervisory visits.

4. Ms. Jenkins stated at the informal conference that she was hospitalized for depression three weeks previously at Maryview Medical Center, Portsmouth, Virginia.

5. Ms. Jenkins stated at the informal conference that she has worked at Home Care Services of Suffolk, Virginia, since January, 2006, and at Louis Obici Hospital, Suffolk, Virginia, since March 19, 2007.

### **CONCLUSIONS OF LAW**

Finding of Fact #3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Board of Nursing Regulations.

### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

Rosemary Jenkins, R.N. is hereby REPRIMANDED.

It is further ORDERED that Ms. Jenkins shall be placed on PROBATION for two years of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Jenkins has completed two years of active employment as a professional nurse. The

license of Ms. Jenkins shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400.9 et seq. of the Code.

2. Ms. Jenkins shall inform the Board in writing within ten (10) days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Jenkins shall provide the name and address of each employer to the Board.

3. Ms. Jenkins shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Jenkins is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

4. Performance Evaluations shall be provided, at the direction of Ms. Jenkins, by all nursing employer(s), as provided by the Compliance Division.

5. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Jenkins shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

6. Ms. Jenkins shall have an evaluation by a mental health specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within forty-five (45) days from the date this Order is entered. Ms. Jenkins shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Jenkins is discharged from therapy. Ms. Jenkins shall

direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

7. Ms. Jenkins shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than sixty (60) days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

8. Ms. Jenkins shall return all copies of her license to practice as a professional nurse to the Board office within ten (10) days of the date of entry of this Order, along with a payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”

9. Ms. Jenkins shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

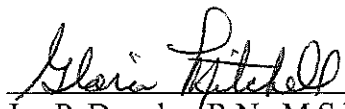
10. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Jenkins and an administrative proceeding shall be held to decide whether her license shall be revoked.

11. This Order is applicable to Ms. Jenkins’ multistate licensure privileges, if any, to practice as a professional nurse in the Commonwealth of Virginia. For the duration of this Order, Ms. Jenkins shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

This Order is subject to appeal to the Board. If Ms. Jenkins desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

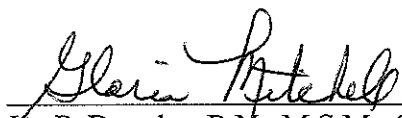
Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

*for*   
Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director, Virginia Board of Nursing  
Entered: April 3, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Rosemary Jenkins, R.N., at 6557 Godwin Blvd., Suffolk, VA 23432, and to Reginald M. Barley, Esquire, 21 Center, 2025 E. Main Street, Suite 210, Richmond, VA 23223.

*for*   
Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director  
Board of Nursing  
April 3, 2008  
DATE