

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: DENITA MILTRAIL WINFIELD, C.N.A. REINSTATEMENT APPLICANT**  
**Certificate Number: 1401-134937**  
**Suspension Date: August 24, 2015**  
**Case Number: 172706**

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**NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that a formal hearing has been scheduled before the Board of Nursing (“Board”) regarding your application for reinstatement of your certificate to practice as a nurse aide in the Commonwealth of Virginia.**

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| <b>TYPE OF PROCEEDING:</b> | This is a formal administrative hearing before a panel of the Board of Nursing.   |
| <b>DATE AND TIME:</b>      | <b>May 19, 2016</b><br><b>1:00 P.M.</b>   |
| <b>PLACE:</b>              | Virginia Department of Health Professions<br>Perimeter Center - 9960 Mayland Drive<br>2 <sup>nd</sup> Floor - Virginia Conference Center<br>Henrico, Virginia 23233 |

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. The burden rests on you, as the applicant, to demonstrate that you meet the requirements of for reinstatement of your certificate pursuant to Virginia Code § 54.1-2409(D).
3. In considering your application, the Board will consider evidence that grounds may exist to reinstate your certificate to practice as a nurse aide, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
  - Approve your application and issue an unrestricted certificate to practice as a nurse aide;
  - Approve your application and issue a restricted certificate subject to terms and conditions;

- Deny your application;
- Deny your application and continue your license on indefinite suspension or revoke your license.

**DEFAULT:**

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

**RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

**COMMONWEALTH'S EXHIBIT:**

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

**FILING DEADLINES:**

1. Deadline for filing exhibits: May 10, 2016. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: May 10, 2016. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

**OTHER IMPORTANT INFORMATION:**

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your certificate requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

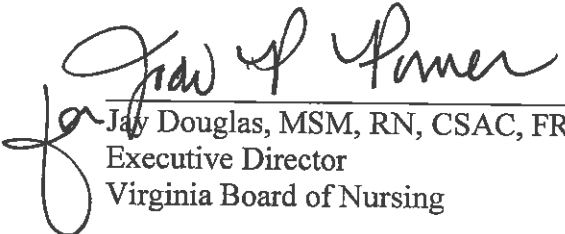
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**STATEMENT OF ALLEGATIONS**

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The Board of Nursing alleges that grounds exist to refuse to reinstate the certificate of Denita Miltrail Winfield, C.N.A. to practice as a nurse aide. Specifically:

1. Denita Miltrail Winfield, C.N.A., violated Virginia Code §54.1-3007(4) in that, on September 23, 2013, in the Circuit Court of Chesterfield County, Ms. Winfield pled guilty to a felony count of possession of a firearm on school property. Pursuant to Virginia Code §54.1-2409, this conviction formed the basis for the mandatory suspension of her certificate by Order of the Department of Health Professions entered August 24, 2015.

  
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Jay Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

April 28, 2016  
Date