

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ROBINETTE PAYNE, C.N.A.
Certificate No.: 1401-159227

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on February 4, 2016, in Henrico County, Virginia. Robinette Payne, C.N.A., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 23, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Payne 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. Robinette Payne, C.N.A., was issued Certificate No. 1401-159227 to practice as a nurse aide in Virginia on April 17, 2013. The certificate is scheduled to expire on April 30, 2016.
2. By letter dated January 14, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Payne notifying her that an informal conference would be held on February 4, 2016. The Notice was sent by certified and first class mail to 715 Taylor Street, Lynchburg, Virginia 24504, the address of record on file with the Board of Nursing. The Notice was also sent to 105 Deer Creek Drive, Lynchburg, Virginia 24502, a secondary address. The Notice sent by certified mail to the

address of record was returned to the Board office on February 3, 2016. The Notice sent by first class mail was not returned to the Board office. The Notice sent by certified mail to the secondary address was delivered on January 27, 2016. The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Payne and the informal conference proceeded in her absence.

3. On July 21, 2015, Ms. Payne was admitted to Poplar Springs Hospital, Petersburg, Virginia, by temporary detention order due to suicidal ideations, auditory hallucinations and depression, and she had a discharge diagnosis of major depression, recurrent, severe with psychotic features. By her own admission, Ms. Payne attempted suicide by ingesting 16 Motrin (C-VI). Further, by her own admission, following discharge from Poplar Springs, she was experiencing auditory hallucinations.

4. In a letter dated October 13, 2015, the nurse practitioner who is treating Ms. Payne stated to the investigator Department of Health Professions that she was unable to say if Ms. Payne is safe to practice due Ms. Payne's lack of follow-up with treatment.

5. Ms. Payne is currently prescribed Haldol and Prozac, and her prognosis was listed as guarded. Ms. Payne has not contacted the Health Practitioners' Monitoring Program, although she was provided the information by the investigator.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-159227 of Robinette Payne to practice as a nurse aide is INDEFINITELY SUSPENDED.


2. The certificate will be recorded as suspended.

3. At such time as Ms. Payne shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a nurse aide. Ms. Payne shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

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.

Since Ms. Payne failed to appear at the informal conference, this Order shall be considered final. Ms. Payne has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Payne has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD


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

Certified True Copy

By 
Virginia Board Of Nursing

Entered: March 29th, 2016