

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ROCHELL F. KEMP, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-083093

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 28, 2016, in Henrico County, Virginia, to receive and act upon the application of Rochell F. Kemp for reinstatement of her license to practice practical nursing in Virginia, which was mandatorily suspended on April 29, 2015, and to inquire into evidence that Ms. Kemp may have violated certain laws governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Kemp was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Rochell F. Kemp was issued License No. 0002-083093 to practice practical nursing in the Commonwealth of Virginia on August 12, 2010. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on April 29, 2015. Her primary state of residence is Virginia.
2. Ms. Kemp submitted an application for reinstatement of her license to the Board on November 17, 2015.
3. On September 23, 2013, in the Circuit Court of Virginia Beach, Virginia, Ms. Kemp was convicted of five felony counts of obtaining food stamps under false pretenses. Said action formed the basis

of the mandatory suspension of Ms. Kemp's license to practice practical nursing in Virginia.

4. Ms. Kemp was sentenced to five years, suspended, and ordered to pay restitution in the amount of \$16,496.00. Ms. Kemp also reported that she was ordered to pay \$2,470.00 in court costs and has paid \$150.00 towards the balance.

5. Ms. Kemp reported that she has not been employed in any capacity since February 2013.

6. Ms. Kemp testified that her actions regarding food stamps were not an intentional attempt to defraud the system.

7. Ms. Kemp testified that once she finds employment she will establish a payment plan for the restitution described in Finding of Fact Number 4.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Rochell F. Kemp has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

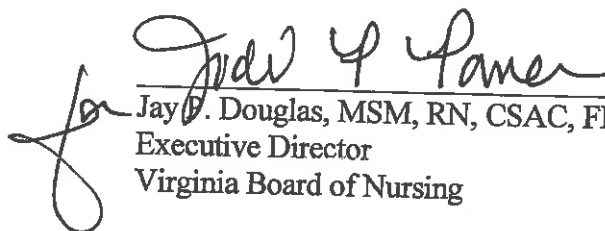
ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0002-083093 issued to Rochell F. Kemp to practice practical nursing in the Commonwealth of Virginia, be and hereby is REINSTATED.

Ms. Kemp shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD


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

February 18, 2010
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 
Virginia Board Of Nursing