

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MONICA D. MINOR, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-026362

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 Ms. Minor's application for reinstatement of her certificate to practice as a nurse aide in Virginia, which was mandatorily suspended by Order of the Director of the Department of Health Professions entered on March 30, 2007, and to inquire into evidence that Ms. Minor may have violated certain laws and regulations governing certified nurse aide practice in Virginia. The case was presented by Amy E. Weiss, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Minor 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. Monica D. Minor was issued Certificate Number 1401-026362 to practice as a nurse aide in the Commonwealth of Virginia on October 19, 1991. Said certificate expired on October 31, 1993 and was reinstated by Order of the Board of Nursing ("Board") entered May 7, 2003. Said certificate was mandatorily suspended by Order of the Director of the Department of Health Professions on March 30, 2007.
2. Ms. Minor submitted an application for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia, which was received by the Board on November 20, 2015.
3. Ms. Minor has been convicted of the following felonies:

- a. In the Circuit Court for the City of Colonial Heights, Virginia, Ms. Minor was convicted of one count felony credit card theft and one count felony grand larceny on April 1, 2008.
- b. In the Circuit Court for the County of Chesterfield, Virginia, Ms. Minor was convicted of one count felony credit card theft on March 12, 2008 and one count felony petit larceny on September 4, 2008.
- c. In the Circuit Court for the City of Richmond, Virginia, Ms. Minor was convicted of felony grand larceny on October 2, 2008.
- d. In the Circuit Court for the County of Henrico, Virginia, Ms. Minor was convicted of one count felony credit card forgery and one count felony credit card theft on May 13, 2004. She was convicted of one count felony embezzlement on March 31, 2004. She was convicted of one count felony credit card fraud, one count felony petit larceny and one count felony grand larceny on June 4, 2008.

4. On her application for reinstatement of nurse aide certification received by the Board on November 20, 2015, Ms. Minor answered “no” to the question asking if she had a mental, physical, or chemical dependency condition which could interfere with her current ability to practice as a nurse aide. In fact, Ms. Minor has a significant history of major depressive disorder, which requires medication and treatment.

5. Ms. Minor has a history of mental illness and chemical dependency which has required medication and treatment, as evidenced by the following:

- a. While incarcerated from 2009 through 2015, Ms. Minor received mental health treatment for diagnoses including major depressive disorder, recurrent, moderate, posttraumatic stress disorder, other specified personality disorder (paranoid, borderline, and antisocial personality traits) and opioid use disorder, moderate, in sustained remission in controlled environment.
- b. Beginning on July 22, 2015, Ms. Minor received psychiatric treatment at the Alexandria Community Services Board, Alexandria, Virginia, for diagnoses of major depressive disorder, recurrent with psychotic features and generalized anxiety disorder. Additionally, Ms. Minor reported to her treatment provider on July 31, 2015 that she had experienced auditory hallucinations. The evidence revealed that she had

experienced hallucinations in November 2015.

c. Ms. Minor reported to her treatment provider at Alexandria Community Services Board that she had previously received inpatient psychiatric treatment at Tucker Pavilion at CJW Medical Center, Richmond, Virginia for one week in 2001 and at Poplar Springs Hospital, Petersburg Virginia on numerous occasions during a three-month period in 2007 for depressive symptoms.

d. Ms. Minor reported to her treatment provider at Alexandria Community Services Board that she had attempted suicide by overdosing on cocaine in 2001.

6. During the course of her employment with Care Advantage, Colonial Heights, Virginia, on February 7, 2006, Ms. Minor took a patient on an unapproved outing and left the patient unattended, during which time the patient suffered a fall.

7. During October through November 2006, Ms. Minor stole a credit card and \$300.00 belonging to a patient. Additionally, Ms. Minor stole a credit card belonging to the patient's daughter and another credit card belonging to the patient's housekeeper.

8. On December 7, 2015, Ms. Minor told an investigator for the Department of Health Professions that she had not taken any courses or refresher classes related to C.N.A. practice and that she had not worked as a C.N.A. since 2005 or 2006 and she has not completed the National Nurse Aide Assessment program examination.

9. To date, Ms. Minor has not enrolled in the Health Practitioners' Monitoring Program.

10. Ms. Minor testified that reading is all she has done since 2006 to stay up to date on C.N.A. practice.

11. In a progress note from the Alexandria Community Services Board dated August 12, 2015, Ms. Minor told her case manager that she found working at Starbucks to be labor intensive and hard on her body, so she would apply for disability.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact No. 3(a) through 3(d) constitute a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 4 constitutes a violation of 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing the Certification of Nurse Aides (“Regulations”).
3. Findings of Fact Nos. 5(a) through 5(d) constitute a violation § 54.1-3007(6) of the Code.
4. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations.
5. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(h) of the Regulations.
6. Finding of Fact No. 7 and Conclusion of Law No. 5 constitute a finding of misappropriation of patient property pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.
7. Ms. Minor has not demonstrated satisfactory evidence that she is prepared to resume nurse aid practice in a safe and competent manner.

ORDER


WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Monica D. Minor for reinstatement of Certificate No. 1401-026362 to practice as a nurse aide in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing.
2. The right of Monica D. Minor, C.N.A. to renew Certificate No. 1401-026362 to practice as a nurse aide in the Commonwealth of Virginia is hereby REVOKED.
3. The certificate of Monica D. Minor, C.N.A. will be recorded as REVOKED.

4. A finding of Misappropriation of patient property shall be ENTERED against Ms. Minor in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(C)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Minor's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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 12th, 2016
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