

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: SELINA R. PAYNE, C.N.A.
Certificate No.: 1401-136588**

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 November 3, 2015, in Henrico County, Virginia. Selina R. Payne, C.N.A., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 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. Selina R. Payne, C.N.A., was issued Certificate No. 1401-136588 to practice as a nurse aide in Virginia on April 28, 2010. The certificate is scheduled to expire on April 30, 2016.
2. By letter dated October 8, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Payne notifying her that an informal conference would be held on November 3, 2015. The Notice was sent by certified and first class mail to 10976 Valley Road, Berkley Springs, West Virginia 25411, the address of record on file with the Board of Nursing. The certified mail was returned to the Board office marked "unclaimed." The 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. During the course of her employment with First Light Home Health of Northwest Virginia, Winchester, Virginia, Ms. Payne entered into a personal relationship with a client that constituted a professional boundary violation, as evidenced by the following: In November 2014, Ms. Payne invited Client A and Client A's husband to her mother's house for Thanksgiving dinner. On December 5, 2014, while Ms. Payne was providing care to Client A, emergency services was contacted to transport Client A to the hospital. Prior to the ambulance arriving, Ms. Payne's mother arrived to deliver food to the client and subsequently transported Client A's husband to the hospital. Ms. Payne later contacted Client A's husband, asked to speak with the medical staff at the hospital, and requested information on Client A's medical condition. On December 8, 2014, while providing care to Client A following her discharge from the hospital, Ms. Payne attempted to obtain medical information from the client.

4. Client A and her husband had for years been looked after by a family friend who was also their Power of Attorney (POA). The POA had advised Ms. Payne not to allow others into Client A's home. After this Ms. Payne's mother visited the client's home, bringing a friend and her dog.

5. The POA noted that Ms. Payne identified herself as a "scheduler/coordinator" for client A, rather than a personal care aide.

6. As a result of these incidents, Ms. Payne's employment was terminated.

7. Subsequent to her termination, Ms. Payne painted the side of her personal vehicle with the words, "say no 2 First Light," and parked her vehicle by the entrance to the First Light Home Health office.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC

90-25-100(2)(i) of the Regulations Governing Certified Nurse Aides.

ORDER

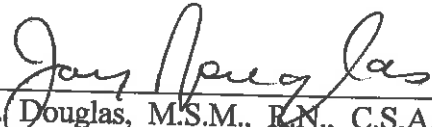
WHEREFORE, it is hereby ORDERED as follows:

1. Selina R. Payne, C.N.A., is hereby REPRIMANDED.
2. Ms. Payne shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing Certified Nurse Aides.

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 (3) days are added to that period.

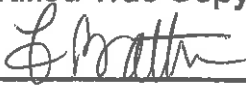
FOR THE BOARD



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

Entered: February 4th, 2016

Certified True Copy

By 

Virginia Board Of Nursing