



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

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

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

September 23, 2015

Ashley Coy, C.N.A.
2046 S. Kinsley Avenue
Richmond, Virginia 23225

CERTIFIED MAIL
9414726699042028459322

RE: Certificate No.: 1401-151517
Expiration Date: April 30, 2016

Dear Ms. Coy:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **October 22, 2015 at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing nurse aide practice in Virginia.

Specifically:

1. You may have violated §54.1-3007(6) of the Code in that you may be unsafe to practice as a certified nurse aide due to mental health and/or physical diagnoses, as evidenced by the following: On or about January 20, 2015, you were admitted to Tucker Psychiatric, Richmond, Virginia due to suicidal ideations. By your own admission to hospital staff, you had experienced increasing irritability, anxiety, depression and anger, and you had lost your job the previous day because you lashed out at your employer. In addition, you have been diagnosed with chronic hidradenitis, which has required surgery and narcotic medication.

2. You may have violated §54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(k) of the Regulations Governing Certified Nurse Aides (“Regulations”) in that on or about June 22, 2015, during an interview with an investigator for the Virginia Department of Health Professions, you falsely stated that you left employment with Henrico Health and Rehabilitation voluntarily, and with notice. However, your employment was terminated on August 1, 2013.

3. You may have violated §54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations in that you made false statements on the following employment applications:

a. On your application for employment with Chesterfield Healthcare Group, Inc. (Tyler’s Retreat at Iron Bridge), Chester, Virginia, dated May 27, 2015, you failed to list Cambridge Healthcare (Lexington Court), HCC Personal Care and Westport Health Care Center as previous employers. You also indicated that you left employment with Henrico Health and Rehab because you relocated and that you left Envoy of Stratford Hills because of surgery, but your employment with both employers was terminated. In addition, you provided false dates of employment for both employers and you failed to answer the question which asked whether you had ever been discharged or involuntarily terminated from any employment. Lastly, on the background check authorization form you falsely indicated that you had not been convicted of, and were not awaiting prosecution for a misdemeanor or felony; however, you had three pending felonies in North Carolina for obtaining property by false pretenses.

b. On your application for employment with Cambridge Healthcare (Lexington Court), dated April 5, 2015, you failed to list Westport Health Care Center and HCC Personal Care as previous employers. In addition, you falsely indicated that you left Henrico Health and Rehab because you relocated but your employment was terminated on or about August 1, 2013 and you indicated “other/had surgery” as the reason for leaving Envoy of Stratford Hills, when in fact your employment was terminated on or about September 5, 2014. Furthermore, you falsely indicated that you had never been terminated or asked to resign and you provided false dates of employment for both listed employers by indicating that you worked for both employers until January 2015.

c. On your application for employment with Envoy of Stratford Hills, Richmond, Virginia, dated January 15, 2014 you falsely indicated that you left employment with Henrico Health and Rehab for a new job. However, your employment was terminated on or about August 1, 2013.

d. On your application for employment with Westport Health Care Center, dated November 11, 2014, you failed to list HCC Personal Care as a previous employer and you falsely answered “no” to the question asking whether you had ever been discharged from a position. In addition, you falsely indicated that you left Envoy of Stratford Hills because of a new job and that you left Henrico Health and Rehabilitation because you moved; however, your employment with both employers was terminated. Furthermore, you falsely indicated that you did not have any pending criminal charges; however, you had three pending felonies in North Carolina for obtaining money by false pretenses.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board,

may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your certificate, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by October 14, 2015. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on October 22, 2015. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on October 14, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after October 14, 2015 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4614.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda Krohn", with a stylized flourish at the end.

Brenda Krohn, R.N., M.S.
Deputy Executive Director

BK/fdb
Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Wendy Deaner, Adjudication Specialist
Kelli Moss, Senior Investigator (Case No. 161456)
Agency Subordinate
Peggy Wood, Monitoring Program Manager