

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JULIE SHARP-KAY, C.N.A.
Certificate No.: 1401-169724**

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 September 29, 2015 in Henrico County, Virginia. Ms. Sharp-Kay 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 November 18, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Sharp-Kay 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. Julie Sharp-Kay, C.N.A., was issued Certificate No. 1401-169724 to practice as a certified nurse aide in the Commonwealth of Virginia on September 30, 2014. Said certificate is set to expire on September 30, 2016. Ms. Sharp-Kay also holds a registration to practice as a nurse assistant in West Virginia. Said registration is set to expire on February 28, 2016.

2. By letter dated August 26, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Sharp-Kay notifying her that an informal conference would be held on September 29, 2015. The Notice was sent by certified and first class mail to 21501 Sam Snead Highway, Warm Springs, Virginia, 24484, the address of record on file with the Board of Nursing. The Notice sent

by certified mail was returned to the Board office marked “return to sender, no mail receptacle, unable to forward.” 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. Sharp-Kay and the informal conference proceeded in her absence.

3. During the course of her employment with Kissito Healthcare Hot Springs, Hot Springs, Virginia:

a. On December 1, 2014, by her own admission, Ms. Sharp-Kay patted a resident on the head and said “you’re just being a big baby huh,” or words to that effect.

b. On December 20, 2014, Ms. Sharp-Kay used profanity toward Resident A, flicked him off with her middle finger and said “that f***ing cripple should not be telling me what to do,” or words to that effect, in the resident’s presence.

c. On December 21, 2014, Ms. Sharp-Kay responded to Resident’s A’s concern that she may have spit in his food by stating “you never know, I might have,” or words to that effect. In addition, she threatened staff and used profanity in front of residents.

4. Ms. Sharp-Kay’s employment with Kissito Healthcare was terminated on December 21, 2014, after a two-month term of employment.

5. On her application for employment with Kissito Healthcare, dated October 10, 2014, Ms. Sharp-Kay failed to disclose all of her criminal convictions. She stated that she was convicted in 1988 for passing a bad check and in 1998 for a domestic related charge. However, Ms. Sharp-Kay is actually a 13-time felon, including convictions for larceny, perjury, forgery and uttering, an offense involving possessing a firearm while a convicted felon, and breaking and entering.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a), (b) and (c) constitute a violation of § 54.1-3007(2), (5) and (8)

of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides (“Regulations”).

2. Findings of Fact Nos. 3(a), (b) and (c) and Conclusion of Law No. 1 constitute a Finding of Abuse pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

3. Finding of Fact No. 5 constitutes a violation of §54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

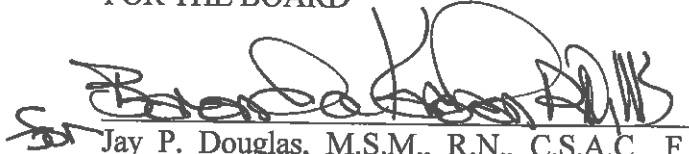
1. Certificate No. 1401-169724 of Julie Sharp-Kay, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Sharp-Kay in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Sharp-Kay’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 § 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. Sharp-Kay failed to appear at the informal conference, this Order shall be considered final. Ms. Sharp-Kay 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. Sharp-Kay 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: December 3, 2015

Certified True Copy

By 
Virginia Board Of Nursing