

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: NAKESHA MAXEY, C.N.A.
 Certificate No.: 1401-117922**

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 August 25, 2015, in Henrico County, Virginia. Nakesha Maxey, C.N.A., was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., 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. Maxey 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. Nakesha Maxey, C.N.A., was issued Certificate No. 1401-117922 to practice as a nurse aide in Virginia on February 28, 2007. The certificate expired on March 31, 2015.
2. By letter dated July 22, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Maxey notifying her that an informal conference would be held on August 25, 2015. The Notice was sent by certified and first class mail to 305 Ellett Drive, Christiansburg, Virginia, 24073, the address of record on file with the Board of Nursing. The Notice was also sent to 9 Phlegar Road, Apartment 4, Christiansburg, Virginia, 24073, a secondary address. The receipt for the Notice sent via certified mail and the Notice sent via certified mail to the address of record were returned unsigned and unclaimed, respectively, to the Board office on August 3, 2015. The Notice sent via first-class mail to the address of record was returned to the Board office on August 7, 2015, and marked "Return to Sender – Not Deliverable as Addressed – Unable to Forward." The receipt for the Notice sent via certified mail and the Notice sent via certified mail to the secondary address were returned to

the Board office. The Notice sent via first-class mail to the secondary address was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Maxey and the informal conference proceeded in her absence.

3. During the course of her employment with English Meadows Senior Living Center, Christiansburg, Virginia, on June 1, 2014, Ms. Maxey smoked marijuana on facility property while on duty.

4. During the facility investigation, Ms. Maxey denied smoking marijuana at work but she admitted to smoking marijuana at home.

5. Another individual scheduled to begin work at the facility as a dietary aide admitted he had been smoking pot in facility parking lot with Ms. Maxey. On the day of the incident, facility staff members discovered a series of Facebook messages on Ms. Maxey's work computer in which she discussed smoking marijuana in the facility parking lot with the dietary aide.

6. Ms. Maxey's employment with English Meadows Senior Living Center was terminated.

7. Ms. Maxey did not respond to any of the attempts by the Department of Health Professions' investigator to contact her.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Nakesha Maxey, C.N.A., to renew Certificate No. 1401-117922 to practice as a nurse aide is INDEFINITELY SUSPENDED.

2. The certificate will be recorded as suspended and no longer current.

3. At such time as Ms. Maxey shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of a nurse aide. Ms. Maxey shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

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. Maxey failed to appear at the informal conference, this Order shall be considered final. Ms. Maxey 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. Maxey 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, R.N., M.S.M., C.S.A.C., 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, R.N., M.S.M., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: December 2, 2015

Certified True Copy

By 
Virginia Board Of Nursing