

VIRGINIA:

0031-008400
BEFORE THE BOARD OF NURSING

IN RE: DIACELL WINSTON, R.M.A. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Diacell Winston, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Winston's application to practice as a medication aide in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Diacell Winston submitted an application for registration by examination as a medication aide in Virginia, which was received by the Board on June 28, 2014.
2. On October 27, 1988, Ms. Winston was convicted in the Circuit Court of the City of Richmond, Virginia, of grand larceny – welfare.
3. On August 20, 1997, Ms. Winston was convicted in the Circuit Court of the City of Richmond, Virginia, of forgery and uttering, both felonies.
4. Ms. Winston has a history of substance abuse, but she stated in her letter to the Board accompanying her application that she no longer uses drugs and that she attends Narcotics Anonymous meetings.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2 and 3 constitute a violation of § 54.1-3007(4) of the Code of Virginia (1950), as amended ("Code").
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
3. Ms. Winston otherwise meets the requirements of § 54.1-3042 of the Code.

CONSENT

Diacell Winston, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her application for registration to practice as a medication aide in Virginia.

ORDER

WHEREFORE, it is hereby ORDERED that the application of Diacell Winston for registration by examination as a medication aide is APPROVED. Upon successful completion of the Medication Aide examination, Ms. Winston shall be issued a registration to practice as a medication aide in the Commonwealth under the following conditions:

1. Ms. Winston shall attend Narcotics Anonymous meetings three times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board with the first report received in the Board no later than 60 days from the date the Order is entered. Subsequent reports must be received

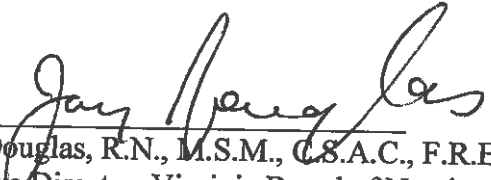
quarterly by the last day of the months of **March, June, September and December** until one year after the date the Order is entered.

2. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of medication aides in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the registration of Ms. Winston and an administrative proceeding shall be convened to determine whether such registration shall be suspended or revoked.

3. Ms. Winston shall maintain a course of conduct in her capacity as a medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 upon request.

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: October 21ST, 2014

SEEN AND AGREED TO:

Diacell Winston
Diacell Winston, R.M.A. Applicant

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Richmond, TO WIT:

Subscribed and sworn to before me, IVAN L. Foster, a Notary Public, this 7 day of OCT., 2014.

My commission expires June 30, 2017.

Registration Number 222159.

Ivan L. Foster
NOTARY PUBLIC



Certified True Copy

By E. Ball
Virginia Board Of Nursing