

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JOI M. KELLY, R.N.
License No.: 0001-223227

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Joi M. Kelly, R.N., who holds License No. 0001-223227 to practice professional nursing which expires on July 31, 2017, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing (“Board”). The hearing will be held on September 17, 2015, at 9:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Kelly will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Kelly has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Kelly desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Ms. Kelly may have violated certain laws and regulations governing nursing practice in Virginia and to inquire into evidence that Ms. Kelly may have violated certain terms and conditions imposed on her as set forth in the Order of the Board entered on February 14, 2014 (“Board’s Order”), as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Joi M. Kelly, R.N., may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(m) of the Regulations Governing the Practice of Nursing in that on or about June 9, 2014, she disclosed Patient A's confidential health care records in violation of § 32.1-127.1:03 of the Code.

2. Ms. Kelly may have violated § 54.1-3007(6) of the Code in that she may be unsafe to practice professional nursing due to mental illness as evidenced by the fact that on or about July 16, 2014 she was admitted to Riverside Behavioral Health, Hampton, Virginia, subsequent to a Temporary Detention Order. Ms. Kelly received inpatient treatment at Riverside Behavioral Health from on or about July 16, 2014, through on or about July 28, 2014, for a diagnosis of psychotic disorder NOS.

3. Ms. Kelly may have violated Term No. 7 of the Board's Order entered February 14, 2014, which required her to submit quarterly self-reports beginning April 15, 2014, in that she submitted two reports late. Ms. Kelly submitted the report due on June 30, 2014, on July 24, 2014. She submitted the report due December 31, 2014, on February 5, 2015, and she failed to list her current employment at Stay at Home Personal Care, Gloucester, Virginia ("Stay at Home"), which began on November 24, 2014.

4. Ms. Kelly may have violated Term No. 6 of the Board's Order, which required her to submit a written description of the prospective employment setting and obtain Board approval before beginning nursing employment. Ms. Kelly began working at Stay at Home on November 24, 2014, without Board approval. Further, Term No. 6 required that she practice nursing in a structured environment with on-site supervision by a professional nurse with an unrestricted license working the same shift on the same building level as Ms. Kelly. The position she accepted at Stay at Home requires unsupervised in-home care visits.

Please see Attachment I for the name of the patient referenced above.

FOR THE BOARD



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

ENTERED: August 18th 2015