

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: JOLITA NEWBY, C.N.A.  
License No.: 1401-156935**

**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 July 28, 2015, in Henrico County, Virginia. Ms. Newby was present and was not represented by legal counsel. Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 16, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Newby 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. Jolita Newby, C.N.A. was issued Certificate No. 1401-156395 to practice as a certified nurse aide in Virginia on October 25, 2012. The certificate is scheduled to expire on October 31, 2015.
2. By letter dated June 10, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Newby notifying her that an informal conference would be held on July 28, 2015. The Notice was sent by certified and first class mail to 2039 Moonlight Road, Smithfield, Virginia 23430, the address of record on file with the Board of Nursing.
3. During the course of her employment with Riverside Convalescent Center-Smithfield, Smithfield, Virginia:

a. On November 2, 2014, Ms. Newby grabbed the arms of a resident while providing care to her as the resident was combative and trying to hit a pregnant Ms. Newby in the stomach.

b. In September 2014, Ms. Newby was blocking strikes from another resident and inadvertently struck the resident in the face. Ms. Newby had a high-risk pregnancy at the time of the incident and was attempting to protect her stomach from the combative resident.

4. As a result of these incidents, Ms. Newby's employment with Riverside Convalescent Center- Smithfield was terminated on November 6, 2014.

5. Ms. Newby stated that she was working at Envoy of Williamsburg, Williamsburg, Virginia and has been working there since the end of February 2015.

6. Ms. Newby submitted a letter of reference from the Director of Nursing at Envoy of Williamsburg.

#### CONCLUSIONS OF LAW

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

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Jolita Newby, C.N.A. is hereby REPRIMANDED.
2. Ms. Newby shall maintain a course of conduct in her capacity as a certified nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Newby may, not later than 5:00 p.m., on

November 2, 2015, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

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: Sept 28, 2015

This Order shall become final on November 2, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board Of Nursing