

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: KEVIN COLLINS, C.N.A.  
Certificate No.: 1401-112988**

**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 1, 2015 in Henrico County, Virginia. Mr. Collins was not present nor was he represented by legal counsel. Jane Elliott, R.N., Ph.D., 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. Mr. Collins was not present nor was he represented by legal counsel. Mr. Collins submitted written comments/objections.

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. Kevin Collins, C.N.A., was issued Certificate No. 1401-112988 to practice as a certified nurse aide in Virginia on March 9, 2006. Said certificate is set to expire on March 31, 2016.
2. By letter dated May 29, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Collins notifying him that an informal conference would be held on July 1, 2015. The Notice was sent by certified and first class mail to 12427 Ripon Court, King George, Virginia, 22485, the address of record on file with the Board of Nursing. The Notice sent by certified mail was delivered on June 1, 2015, and was signed for by K.W. Collins. The first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Mr. Collins and the

informal conference proceeded in his absence.

3. During the course of his employment with Heritage Hall Healthcare & Rehabilitation, King George, Virginia, Mr. Collins engaged in an inappropriate relationship with a female resident as evidenced by the following:

a. Between January 2015 and March 2015, by his own admission to a Virginia Department of Health Professions investigator:

i. Mr. Collins exchanged text messages and photos with the resident by phone and social media.

ii. Mr. Collins received sexually explicit photos from the resident, which she had taken of herself, and kept the photos in his possession, on his cellphone.

b. Between January 2015 and March 11, 2015, Mr. Collins engaged in consensual oral sex with the resident, in the resident's bathroom, while on duty.

c. On February 25, 2015, Mr. Collins sent the resident sexually explicit photos of himself.

4. Mr. Collins' employment with Heritage Hall Healthcare and Rehabilitation was terminated on March 13, 2015, after a four-month term of employment.

#### **CONCLUSIONS OF LAW**

1. Findings of Fact Nos. 3(a)(i) and (ii), 3(b) and 3(c) constitute a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(e) and (i) of the Regulations Governing Certified Nurse Aides.

2. Findings of Fact Nos. 3(a)(i) and (ii), 3(b) and 3(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.

ORDER

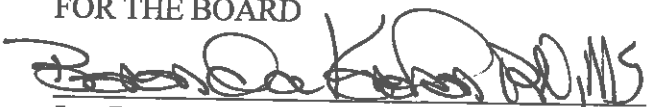
WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-112988 of Kevin Collins, 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 Mr. Collins 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 Mr. Collins' 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 Mr. Collins failed to appear at the informal conference, this Order shall be considered final. Mr. Collins 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, Mr. Collins has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, 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

Certified True Copy

By   
Virginia Board Of Nursing

Entered: Sept 24, 2015