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VA BD OF NURSING

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

Department of Health Professions  
Perimeter Center  
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Henrico, Virginia 23233-1463

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TEL (804) 367- 4400  
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July 23, 2015

Jessica Brynn Freland  
425 North Payne Street  
Alexandria, VA 22314

CERTIFIED MAIL

DUPLICATE COPY  
VIA FIRST CLASS MAIL

RE: Certificate No.: 1401-140538

DATE 7/23/15

Dear Ms. Freland:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your certification to practice as a certified nurse aide in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered July 23, 2015. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your certificate to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your certificate, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your certificate shall require the affirmative vote of three-fourths of the members of the Board of Nursing present at the hearing.

Should you wish to petition the Board of Nursing for reinstatement of your certificate, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4639.

Sincerely,

Jaime H. Hoyle, Esquire, Chief Deputy Director  
Department of Health Professions

Enclosures  
Case #164148

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: JESSICA BRYNN FRELAND, C.N.A.**  
**Certificate No.: 1401-140538**

**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that the certificate of Jessica Brynn Freland, C.N.A., to practice as a certified nurse aide in the State of Maryland was suspended by an Order for Summary Suspension of Certified Nursing Assistant dated February 17, 2012. A certified copy of the Order for Summary Suspension of Certified Nursing Assistant is attached to this Order and marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the certificate of Jessica Brynn Freland, C.N.A., to practice as a certified nurse aide in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the certificate of Jessica Brynn Freland, C.N.A., will be recorded as suspended. Should Ms. Freland seek reinstatement of her certificate pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her certificate prior to issuance of her certificate to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.

  
\_\_\_\_\_  
Jaime H. Hoyle, Esquire, Chief Deputy Director  
Department of Health Professions

ENTERED: 7/23/10



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

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### CERTIFICATION OF DUPLICATE RECORDS

I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Order for Summary Suspension of Certified Nursing Assistant dated February 17, 2012, regarding Jessica Brynn Freland, C.N.A., are true copies of the records received from the Maryland Board of Nursing.

  
\_\_\_\_\_  
Jaime H. Hoyle, Esquire

Date: 7/23/15

IN THE MATTER OF  
JESSICA FRELAND  
CERTIFICATE NO. A00078458

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BEFORE THE  
MARYLAND BOARD  
OF NURSING  
OAG CASE NO.: 12-BP- 013

\* \*

ORDER FOR SUMMARY SUSPENSION  
OF CERTIFIED NURSING ASSISTANT-  
GERIATRIC NURSING ASSISTANT CERTIFICATE  
AND NOTICE OF CHARGES

BACKGROUND

On or about November 15, 2010, the Maryland Board of Nursing (“the Board”) received a renewal application for a CNA certificate from Jessica Freland (“Respondent”). On Respondent’s signed renewal application, dated November 5, 2010, she answered “yes” to the question: “Have you ever been convicted of or plead guilty or nolo contendere (this includes a guilty plea for which a PBJ was received) to a misdemeanor since last renewal?” An investigation by the Board revealed an August 20, 2009, charge of Driving, Attempting to Drive While Impaired by Alcohol which resulted in a *nolle prosequi* and an August 7, 2010, charge of Driving a Vehicle While Under the Influence of Alcohol, which resulted in a guilty plea on January 14, 2011. Based upon this information, the Board considered Respondent a candidate for the Rehabilitation Program. On or about January 19, 2011, Respondent signed a Participation Agreement with the Rehabilitation Program agreeing to comply with conditions listed in the Agreement. Respondent failed to comply with the conditions of the Agreement that she made with the Rehabilitation Program. On or about December 15, 2011, Respondent was expelled from the Rehabilitation Program for non-compliance with her Agreement. Additionally, a recent search of court records on the Maryland Judiciary website revealed that in

January 2012, Respondent was criminally indicted in the Circuit Court of Maryland for Frederick County for Conspiracy to Distribute a Controlled Dangerous Substance.

Based on further information received by the Board, the Board has reason, as set forth below, to find that the public health, safety or welfare imperatively requires emergency action under Md. Code Ann., State Gov't. § 10-226 (c) (2) (2009 Repl. Vol.).

**ALLEGATIONS OF FACT AND REASONS IN SUPPORT OF**  
**SUMMARY SUSPENSION AND CHARGES**

The Board has received reliable information that the following facts are true:

1. At all times relevant, Respondent was certified to practice as a Certified Nursing Assistant ("CNA") - Geriatric Nursing Assistant ("GNA") in the State of Maryland. Respondent's CNA-GNA certificate is currently active and set to expire on October 28, 2012.
2. On or about November 15, 2010, the Board received a renewal application from Respondent for her CNA certificate.
3. On Respondent's signed renewal application, dated November 5, 2010, Respondent answered "yes" to the question: "Have you ever been convicted of or plead guilty or nolo contendere (this includes a guilty plea for which a PBJ was received) to a misdemeanor since your last renewal?"
4. An investigation by the Board revealed:
  - a. On August 20, 2009, in the District Court of Maryland for Frederick County, Citation Number 000000FR16348, Respondent appeared to defend a

charge of Driving, Attempting to Drive a Vehicle While Impaired by Alcohol.

The charges against Respondent in this case resulted in a *Nolle Prosequi*;

- b. On or about August 7, 2010, in the District Court of Maryland for Frederick County, Citation Number 000000GE93167, Respondent was charged with Driving, Attempting to Drive a Vehicle While Under the Influence of Alcohol. Subsequently, on January 14, 2011, Respondent pleaded guilty to Driving, Attempting to Drive a Vehicle While Under the Influence of Alcohol. A disposition of Probation Before Judgment was given in this case.
5. By letter dated December 13, 2010, Respondent was invited to meet with the Board's Rehabilitation Committee ("Committee").
6. By letter dated January 7, 2011, an M.S. level intern ("Intern") at an addiction treatment center in Frederick Maryland ("Treatment Center"), informed the Coordinator of the Rehabilitation Program ("Coordinator") that Respondent had been referred to Treatment Center following her DUI charge. Intern reported that Respondent denied drug use during an initial assessment at Treatment Center. Intern further reported that a urine drug screen given to Respondent during her assessment came back positive for recent use of marijuana. Intern provided the results of the drug screen with the letter. Intern stated that based on Respondent's use, denial and dishonesty, Treatment Center recommended Intensive Outpatient Treatment for Respondent.
7. By Application signed and dated January 18, 2011, Respondent requested admission to the Board's Rehabilitation Program ("Program").

8. On January 19, 2011, Respondent entered into a Participation Agreement (“Agreement”) with the Program. As part of the Agreement, Respondent agreed to comply with several conditions including but not limited to:
- (6) I shall continue treatment with [treatment program];
  - (8) I shall comply with all terms of the agreement with the treatment program/treatment provider;
  - (9) I shall attend a minimum of two support group meetings (such as AA or NA) weekly and secure a sponsor within three months of signing this agreement;
  - (10) I shall continue treatment until discharge, and arrange for the treatment program/treatment provider to send the Committee a discharge summary. The discharge summary is to be submitted to the Committee within one month of discharge from the program;
  - (11) In the event I terminate prior to discharge, am discharged prior to successful completion of the program, or have a missed or positive drug screen and/or breathalyzer, or unsatisfactory progress in treatment, the treatment program/treatment provider shall immediately notify the Committee;
  - (13) It is my responsibility to notify the Committee of a positive or missed drug screen or unsatisfactory work/treatment reports;
  - (14) I shall arrange for monthly random drug screens through my treatment program/treatment provider, my employer, or the Rehabilitation Committee. My employer, treatment program/treatment provider or the Committee may request a random drug screen at any time. Any positive drug screens/breathalyzer shall be reported to the Committee and will be considered a violation of this agreement. I understand that drug screens must continue until I am discharged from the Committee;
  - (15) I shall provide the Committee with written quarterly progress reports evaluating my progress towards rehabilitation and elaborating on my recovery program. The reports are to be submitted even though you may not be working/working in the nursing filed; and
  - (20) I shall not engage in the conduct that led to my requesting admission to the Rehabilitation Program and shall remain drug and alcohol free.

9. Respondent also acknowledged the following in the January 19, 2011, Agreement:
- (21) This agreement as written will remain in effect for three (3) years. I may petition for reevaluation of the terms after six months of practice as a nursing assistant, I shall contact the Rehabilitation Committee at (410) 585-1924 for all requests;
  - (22) I shall obey all State and Federal laws and, be it further agreed that, after three (3) years of safe practice I may petition for removal of all conditions.
10. By letter dated January 19, 2011, the Coordinator of the Rehabilitation Program provided Respondent with an executed copy of the Agreement and reminded Respondent that it was her responsibility to ensure that all written reports were submitted by all the parties specified in the Agreement. Respondent's first quarterly reports were due in February 2011, and every three (3) months thereafter: May 2011, August 2011, November 2011, etc.
11. On or about April 14, 2011, the Committee received a written self report from Respondent in compliance with the Agreement. In the report, Respondent stated that she was uncomfortable asking the delegating nurse at the assisted living facility in Mt. Airy, Maryland ("Assisted Living Facility A") where she worked to submit quarterly work reports to the Committee in compliance with the Agreement. She felt news of her Driving While Under the Influence charge would spread at Assisted Living Facility A and she would be labeled an alcoholic by her colleagues. Respondent denied being an alcoholic. Due to Respondent's concerns, she resigned from her CNA job at Assisted Living Facility A. Respondent reported that she was currently seeking employment as a CNA.



Respondent further reported that she had stopped treatment at Treatment Center because it was too cost prohibitive. She stated that she arranged for an evaluation by a counseling center in Frederick, Maryland ("Counseling Center") and based on its evaluation it determined that she was not an alcoholic and recommended a twelve (12) hour education course for her. Respondent did not provide a copy of her evaluation report from Counseling Center with her self-report.

12. Respondent failed to submit any self reports to the Committee after April 2011.
13. By letter dated October 24, 2011, the Committee notified Respondent that they scheduled a meeting with her at their request for November 16, 2011.
14. On or about November 16, 2011, the Committee met with Respondent to discuss her compliance with her January 2011 Agreement. During the meeting Respondent told the Committee that she was not currently in any treatment program. The Committee recommended that Respondent contact the State Health Department for information on treatment programs available in her area. Respondent informed the Committee that she was currently employed with an assisted living facility in Havre de Grace, Maryland ("Assisted Living Facility B"). The Committee reminded Respondent that she needed to have Assisted Living Facility B complete paperwork and submit quarterly progress reports to the Committee. Additionally the Committee had Respondent complete a Release of Information form for Assisted Living Facility B.
15. Respondent failed to have Assisted Living Facility B submit any quarterly progress reports to the Committee.

16. By letter dated December 15, 2011, the Committee informed Respondent of its decision to expel her from the Program due to her non-compliance with her January 2011, Agreement.
17. A recent search on the Maryland Judiciary's website revealed that:
  - a. On January 6, 2012, in the Circuit Court of Maryland for Frederick County, Case Number 10K12051000, Respondent was criminally indicted for Conspiracy to Distribute Narcotic (Cocaine) and with Conspiracy to Possess Narcotics (Cocaine) with Intent to Distribute. A trial in this case is scheduled for April 27, 2012;
  - b. On November 23, 2011, in the Circuit Court of Maryland for Frederick County, Case Number 10K10049276, Respondent was charged with violating probation on her Driving, Attempting to Drive a Vehicle While Under the Influence to which she pleaded guilty on January 14, 2011, and received Probation Before Judgment.
18. Respondent's non-compliance with her Rehabilitation Agreement, expulsion from the Board's Rehabilitation Program and her recent criminal indictment for Conspiracy to Distribute a Controlled Dangerous Substance make her practice as A CNA dangerous and a risk of serious harm to any patient under her care. Based on the information in paragraphs 1 through 17, as well as the information contained in the Notice of Summary Action to Suspend Certificate, the Board finds that the public health, safety or welfare imperatively requires emergency action in this case.

19. Based on the allegations of fact<sup>1</sup> under Background and in paragraphs 1 through 17, the Board voted to charge Respondent with violations of the Nurse Practice Act (the "Act"), Md. Code Ann., Health Occupations Article, §§ 8-101 *et. seq.* (2009 Repl. Vol. and 2010 Supp.) as listed below. The pertinent provisions of Health Occupations Article § 8-6A-10 (a), and the violations under which the above allegations of fact in paragraphs 1 through 23 are brought and for which the Board has charged Respondent, are as follows:

- (a) *Penalties* - Subject to the hearing provisions of § 8-317 of this title, the Board may . . . reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder, if the applicant or certificate holder:
  - (31) Is expelled from the rehabilitation program established pursuant to § 8-208 of this title for failure to comply with the conditions of the program.

The applicable section of SG § 10-226 (c) (2) provides that:

- (2) A unit may order summarily the suspension of a license if the unit:
  - (i) finds that the public health, safety, or welfare imperatively requires emergency action; and
  - (ii) promptly gives the licensee:

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<sup>1</sup> The allegations set forth in this document are intended to provide Respondent with notice of the basis for the summary suspension and alleged charges. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against Respondent in connection with the summary suspension and charges.

1. Written notice of the suspension, the finding and the reasons that support the finding; and
2. An opportunity to be heard.

### CONCLUSIONS OF LAW

Based on the foregoing investigative information, the Board finds that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't. § 10-226 (c) (2) (2009 Repl. Vol.)

### ORDER

It is, by a majority of a quorum of the Maryland Board of Nursing:

**ORDERED** that, pursuant to the authority vested in the Board by Md. Code Ann., Health Occ., § 8-6A-10(a) and Md. Code Ann., State Gov't., § 10-226 (c)(2) (2009 Repl. Vol.), the certification of **JESSICA FRELAND** an individual certified to practice as a **CERTIFIED NURSING ASSISTANT-GERIATRIC NURSING ASSISTANT**, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED** that, there will be a Show Cause Hearing on **Tuesday, March 27, 2012**, at **1:00 p.m.** before the Board at the Board of Nursing, 4140 Patterson Avenue, Baltimore, Maryland 21215, for Respondent to have the opportunity to show cause as to why her certificate should not be suspended; and be it further

**ORDERED** that, if Respondent's certificate is suspended following a Show Cause Hearing, upon a written request by Respondent, an evidentiary hearing to consider the merits of this Summary Suspension and charges cited in this Order will be held at the Board of Nursing, within a reasonable period of time from the date upon which the Board receives the written request; and be it further

**ORDERED** that, if Respondent requests an evidentiary hearing before the Board, Respondent must make the request in writing within thirty (30) days from the date of notice of the Board's decision after the Show Cause Hearing. If a request for hearing is not received within thirty (30) days from the date of notice of the Board's decision after the Show Cause Hearing, Respondent waives all rights now and in the future to any hearing with respect to this Order or the associated charges, or to any proceedings that would contest the validity of the factual allegations of this Order for Summary Suspension and to any appeals; and be it further

**ORDERED** that, if a request for hearing is not received within thirty (30) days from the date of notice of the Board's decision after the Show Cause Hearing, a Final Order for Revocation of Certification, including Findings of Fact and Conclusions of Law, will be issued to Respondent; and be it further

**ORDERED** that, in the event Respondent requests an evidentiary hearing, the proceeding before the Board will be conducted in accordance with the Administrative Procedure Act ("APA"), Md. Code Ann., State Gov't., §§ 10-201 *et seq.* (2009 Repl. Vol.), § 8-317 of the Act and regulations promulgated by the Board at COMAR 10.27.02. The APA gives Respondent the right to be represented by counsel authorized to practice law in Maryland, to request subpoenas for evidence and witnesses, to call witnesses, to present evidence, to cross examine every witness called by the Board, to obtain a copy of the hearing procedure upon written request, and to present summation and argument. Unless otherwise prohibited by law, Respondent may agree to the evidence and waive her right to appear at the hearing; and be it further

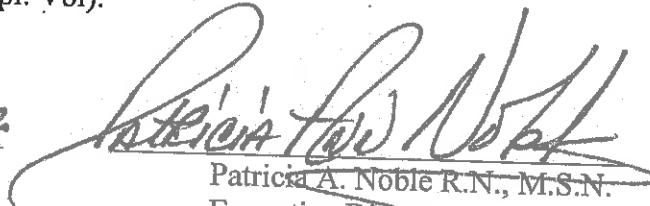
**ORDERED** that, for purposes of public disclosure, as permitted by Md. Code Ann., State Gov't., § 10-617(h) (2009 Repl. Vol.) this document consists of the foregoing Summary

Freland, Jessica  
A00078458  
Summary Susp. and Notice of Charges

Suspension of Certified Nursing Assistant Certificate-Geriatric Nursing Assistant and Notice of Charges and that the Board may disclose this document to any national reporting bank or other entity to whom the Board is mandated to report; and be it further

**ORDERED** that, this Order is a public document pursuant to Md. Code Ann., State Gov't. §§ 10-611 *et. seq.*, (2009 Repl. Vol).

February 17, 2012  
Date

  
Patricia A. Noble R.N., M.S.N.  
Executive Director  
Maryland Board of Nursing