

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: SEAN MAPSON, C.N.A.
Certificate No.: 1401-156662**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on July 15, 2015, in Henrico County, Virginia, to inquire into evidence that Sean Mapson, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Wendy Deaner, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Mr. Mapson was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Sean Mapson, C.N.A., was issued Certificate No. 1401-156662 to practice as a certified nurse aide in the Commonwealth of Virginia on November 8, 2012. Said certificate was summarily suspended by an Order of the Board entered June 2, 2015.

2. Based upon the representations of Wendy Deaner, Adjudication Specialist, and Commonwealth's Exhibit No. 1, the Order of Summary Suspension, Notice of Formal Hearing and Statement of Particulars, Allegation Summary Worksheet, and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in his absence.

3. During the course of his employment with North Roanoke Assisted Living, Roanoke, Virginia ("NRAL"), between November 17, 2014 and November 19, 2014, by his own admission, Mr. Mapson, while on duty, engaged in consensual oral sex and sexual intercourse with a female resident, who

had diagnoses of schizo-affective disorder, borderline personality disorder, anxiety and PTSD.

4. Mr. Mapson resigned from his employment with NRAL on December 8, 2014.

5. During the Department of Health Professions' ("DHP") investigation, Mr. Mapson never denied that he had oral sex and sexual intercourse with the resident. In April 2015, Mr. Mapson submitted a written statement to DHP investigator; the statement detailed the sexual relationship between Mr. Mapson and the female resident. Mr. Mapson's written statement corroborated the resident's statements that she made to staff at NRAL.

6. Numerous NRAL staff reported that they heard a recorded cell phone conversation between the resident and Mr. Mapson. The staff reported that the conversation was in reference to the sexual relationship between Mr. Mapson and the resident. All of the staff members interviewed by the DHP investigator identified Mr. Mapson's voice as the male voice on the cell phone recording and reported that at times the recorded conversation was sexually explicit.

7. Mr. Mapson submitted false information to employers on employment applications as evidenced by the following:

a. On his application for employment with North Roanoke Assisted Living, dated May 18, 2014, Mr. Mapson failed to accurately detail his prior employment history. Mr. Mapson identified his reason for leaving Hermitage in Roanoke as "relieved do [sic] to illness" when his employment was terminated in May 2014, for attendance and performance issues. Mr. Mapson also failed to list his previous employment with Pheasant Ridge Senior Living, which ended in termination.

b. On his application for employment with Pheasant Ridge Senior Living, Roanoke, Virginia, dated September 26, 2012, Mr. Mapson:

i. Falsely answered "no" to the question pertaining to prior criminal convictions within the last seven years. As evidenced in a Board of Nursing Order, entered October 4, 2012, Mr. Mapson was convicted of one count of petit larceny in the City of Salem, Virginia, General District Court on

November 19, 2010.

ii. Provided false information regarding his dates of employment with Raleigh Court Health & Rehabilitation Center, Roanoke, Virginia. Mr. Mapson indicated that he was employed with Raleigh Court from October 2011 to June 2012; however, employment records show that he was employed from December 2011 to April 2012.

c. On his application for employment with United Methodist Homes (Hermitage in Roanoke) dated April 26, 2013, Mr. Mapson:

i. Failed to state a reason for leaving employment with Pheasant Ridge Senior Living. Mr. Mapson's employment with Pheasant Ridge was terminated on November 14, 2012, for providing false information on his employment application.

ii. Provided false information regarding his dates of employment with Raleigh Court Health & Rehabilitation Center. Mr. Mapson indicated that he was employed with Raleigh Court from March 2011 to June 2012; however, employment records show that he was employed from December 2011 to April 2012.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes 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 ("Regulations").
2. Finding of Fact No. 3 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.
3. Findings of Fact Nos. 7(a), (b)(i) and (ii) and (c)(i) and (ii) constitute a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.


ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Certificate No. 1401-156662 issued to Sean Mapson, C.N.A., to practice as a certified nurse aide in the Commonwealth of Virginia, is hereby REVOKED.
2. The certificate of Mr. Mapson will be recorded as revoked and no longer current.
3. A finding of abuse shall be ENTERED against Mr. Mapson 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. Mapson's 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 §§ 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 on request.

FOR THE BOARD



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

ENTERED July 23RD, 2015

Certified True Copy
By draham
Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.