

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: RAMATU SESAY, C.N.A. REINSTATEMENT APPLICANT
License Number: 1401-157459
Case Number: 173610

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on July 18, 2016, in Henrico County, Virginia, to receive and act upon Ramatu Sesay's application for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia.

Ramatu Sesay, C.N.A. did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated July 8, 2016, the Board of Nursing sent a Notice of Formal Hearing (“Notice”) to Ms. Sesay notifying her that a formal administrative hearing would be held on July 18, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Sesay and the formal hearing proceeded in her absence:

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. Ramatu Sesay, C.N.A., was issued Certificate No. 1401-157459 to practice as a nurse aide in the Commonwealth of Virginia on January 9, 2013. Said certificate was mandatorily

suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on July 23, 2015.

2. Ms. Sesay submitted an application for reinstatement of said certificate to the Board on April 15, 2016.

3. On February 10, 2014, by Order of the Maryland Board of Nursing (“MBN”), Ms. Sesay’s certificates to practice as a nursing assistant and as a medication technician were revoked. Pursuant to Virginia Code § 54.1-2409, the revocation of Ms. Sesay’s certificate to practice as a nursing assistant formed the basis for the mandatory suspension of her certificate by Order of the Department of Health Professions entered July 23, 2015.

4. During the course of her employment as a certified nursing assistant with Aberdeen Manor (“Aberdeen”), Rockville, Maryland, from September 2010 to December 2010, Ms. Sesay failed, on three separate occasions, to adequately protect and prevent a resident, a 77-year-old woman who suffered from dementia and had been determined to be a wandering risk, to wander from the facility unattended. Ms. Sesay also failed to properly document medication administration to this resident.

5. On her application for reinstatement, dated April 15, 2016:

a. Ms. Sesay answered “No” to Question 2, which asks “Have you ever had action taken against or been denied a license or certification in a health-related field?”, when, in fact, by Order of the MBN, Ms. Sesay’s certificates to practice as a nursing assistant and as a medication technician were revoked on February 10, 2014.

b. Ms. Sesay omitted from Section 4 one of her most recent nursing related employers, Comfort Keepers, Rockville, Maryland, where her employment had been terminated on December 20, 2014 for conduct and attendance.

c. Ms. Sesay indicated, on Section 4, that she ended her employment with Options for Senior America (“Options”), a home care provider in Gaithersburg, Maryland, on June 18, 2015, due to the length of her commute, when, in fact, she continued to work for Options until at least June of 2016.

6. On her employment application with Options, dated April 17, 2015, Ms. Sesay indicated that she had certifications as both a certified nurse assistant and certified medication technician through the State of Maryland, when, in fact, the MBN had revoked those certifications on February 10, 2014.

7. Ms. Sesay practiced as a certified nurse assistant after having been notified by the MBN, on February 10, 2014, that her certificate had been revoked. From April 2015 to June 2016, Ms. Sesay worked for Options, in the District of Columbia, under her Maryland certification. Ms. Sesay does not have a certificate or license in the District of Columbia, and her Maryland certified nurse assistant certification had been revoked. On July 23, 2015, Ms. Sesay’s Virginia C.N.A. certificate was also suspended.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(7).
2. Finding of Fact No. 4 constitutes a violation of Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides (“Regulations”).
3. Finding of Fact No. 5 constitutes a violation of Virginia Code § 54.1-3007(1) and 18 VAC 90-25-100(1)(b) of the Regulations.
4. Finding of Fact No. 6 constitutes a violation of Virginia Code § 54.1-3007(2) and 18 VAC 90-25-100(2)(d) of the Regulations.

5. Finding of Fact No. 7 constitutes a violation of Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-25-100(2)(b) of the Regulations.

6. Finding of fact no. 4 and conclusion of law no. 2 constitute a finding of neglect pursuant to 43 CFR 483.156(b)(2) and (c)(1)(iv)(D).

7. Ramatu Sesay has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, ORDERS that the application of Ramatu Sesay for reinstatement of the certificate to practice as a certified nurse aide in the Commonwealth of Virginia is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the proceeding.

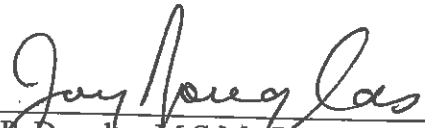
2. A Finding of Neglect shall be ENTERED against Ramatu Sesay in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ramatu Sesay's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

3. The certificate of Ramatu Sesay to practice as a certified nurse aide in the Commonwealth of Virginia is REVOKED.

4. The certificate of Ramatu Sesay will be recorded as REVOKED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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.

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 AND MAILED ON:

August 5TH, 2016

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, 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.

Certified True Copy

By 

Virginia Board Of Nursing