

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JUSTINA NICKOLE MAYS, C.N.A. REINSTATEMENT APPLICANT
Certificate Number: 1401-142722
Case Number: 175230

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on February 6, 2017, in Henrico County, Virginia, to receive and act upon Justina Nickole Mays’ application for reinstatement of her certificate to practice as a certified nurse aide in the Commonwealth of Virginia.

Justina Nickole Mays appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated January 11, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Mays notifying her that an informal conference would be held on February 6, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Justina Nickole Mays was issued Certificate Number 1401-142722 to practice as a certified nurse aide on February 16, 2011, which was suspended on July 22, 2015.
2. By Order of the Board entered on July 22, 2015, Ms. Mays’ certificate to practice as a certified nurse aide was indefinitely suspended in connection with a finding of neglect following an incident, during the course of her employment with Central Virginia Training Center (“CVTC”),

Lynchburg, Virginia, in which Ms. Mays was found sleeping while charged with the one-to-one care of a resident who required constant observation and care.

3. On July 26, 2016, Ms. Mays submitted an application to reinstate her certificate to practice as a certified nurse aide with a petition to remove the finding of neglect.

4. Justina Mays violated Virginia Code §54.1-3007(2) and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides (“Regulations”) in that she marked “no” on her C.N.A. reinstatement application to the question asking if she ever had action taken against her certificate, when in fact, on July 22, 2015, the Board had indefinitely suspended Ms. Mays’ C.N.A. certificate.

5. Ms. Mays violated Virginia Code §54.1-3007(2) and 18 VAC 90-25-100(2)(d) of the Regulations in that she falsely represented facts on employment applications, as evidenced by the following:

a. On her application for Team Nurse, Madison Heights, Virginia, dated August 7, 2015, Ms. Mays checked “no” to the question asking if she had ever been discharged or asked to resign by an employer when, in fact, her employment with Central Virginia Training Center (“CVTC”), Madison Heights, Virginia, had been terminated on August 21, 2014, and her employment with Liberty Ridge, Lynchburg, Virginia, had been terminated on July 14, 2015. Ms. Mays also omitted her employment with CVTC.

b. On her application for Liberty Ridge, dated August 26, 2014, Ms. Mays reported that her reason for leaving CVTC was that she “need[ed] more hours”, when, as stated above, her employment with Central Virginia Training Center (“CVTC”) had, in fact, been terminated on August 21, 2014.

6. Ms. Mays did not include her employment with CVTC on her reinstatement application as required.

7. During the informal conference, Ms. Mays stated that she did not read her reinstatement application thoroughly and just checked “no” to all the boxes.

8. Ms. Mays stated that she worked for Team Nurse until a few months ago as a sitter. She is currently working as a machine operator assistant in Amherst County through a temporary agency.

9. Ms. Mays has not demonstrated that she is able to resume the safe and competent practice as a certified nurse aide.

10. The Home Health Director from Team Nurse told an investigator for the Department of Health Professions that she observed Ms. Mays asleep on a client's bed. Ms. Mays' employment reflects a pattern of neglect.


ORDER

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

1. Justina Nickole Mays' petition for removal of the Finding of Neglect is DENIED.
2. The application of Justina Nickole Mays for reinstatement of her license to practice as a certified nurse aide is DENIED.

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 Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED: _____

February 24th, 2017

Certified True Copy

By 

Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Mays may, not later than 5:00 p.m., on March 29, 2017, notify Jay Douglas, MSM, RN, CSAC, FRE, 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. This Order shall become final on March 29, 2017, unless a request for a formal administrative hearing is received as described above.