

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: KENDRA BROOKS, C.N.A.**  
**Certificate No.: 1401-068551**

**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 May 7, 2015, in Henrico County, Virginia. Ms. Brooks was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Brooks was not present nor was she represented by legal counsel.

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. Kendra Brooks, C.N.A., was issued Certificate No. 1401-068551 to practice as a nurse aide in Virginia on September 13, 1997. The certificate expired on September 30, 2014.
2. By letter dated April 8, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Brooks notifying her that an informal conference would be held on May 7, 2015. The Notice was sent by certified and first class mail to 5190 Morattico Road, Lancaster, Virginia 22503, the address of record on file with the Board of Nursing. The Notice sent by certified mail was accepted by Ms. Brooks on April 10, 2015. As of May 7, 2015, the Notice sent by first class mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to

Ms. Brooks and the informal conference proceeded in her absence.

3. Between December 2013, and August 2014, during the course of her employment with Rappahannock Westminster-Canterbury (“Westminster-Canterbury”), Irvington, Virginia, Ms. Brooks stole checks from Resident A and used them to pay her own bills and to obtain cash for herself. The total amount of money Ms. Brooks obtained using Resident A’s checks was approximately \$1,000.00.

4. Ms. Brooks stated to the investigator for the Department of Health Professions that Resident A gave her a check for \$400.00 to pay for Ms. Brooks’ storage unit. Ms. Brooks denied that she wrote or signed any checks on Resident A’s account, and denied that she ever cashed any of Resident A’s checks and kept the money.

5. Resident A, who is alert and oriented, stated to the investigator for the Department of Health Professions that she never gave Ms. Brooks a check to pay for her storage unit, loaned her money, or gave Ms. Brooks money as a gift. Resident A stated that she usually wrote checks in the amount of \$100.00, and may have written a couple of checks for \$300.00. She stated that the amount of the checks depended on how she planned to spend the money. Resident A stated that her debts were paid through an accounting firm, but she wrote checks for “walking around money.” She stated that she always wrote “WAM” in the memo section of each check. Checks written by Ms. Brooks did not contain the “WAM” notation.

6. Ms. Brooks was employed with Westminster-Canterbury originally in 1997 and resigned her position in 1998. Ms. Brooks was re-hired at Westminster-Canterbury in 2002 and resigned in 2007 due to poor health. Ms. Brooks stated that she returned to Westminster-Canterbury in 2008. On July 21, 2010, Ms. Brooks received a final written warning for borrowing money from a resident. On July 9, 2014, Ms. Brooks’ employment with Westminster-Canterbury was terminated.

**CONCLUSIONS OF LAW**

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)(h) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Misappropriation of patient property 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. The right of Kendra Brooks to renew Certificate No. 1401-068551 to practice as a nurse aide is REVOKED.

2. The certificate will be recorded as revoked.


3. A Finding of Misappropriation of patient property shall be ENTERED against Ms. Brooks 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 Ms. Brooks' 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 Ms. Brooks failed to appear at the informal conference, this Order shall be considered final. Ms. Brooks 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, Ms. Brooks has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, 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 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

Entered: July 20<sup>th</sup>, 2015

Certified True Copy

By   
\_\_\_\_\_  
Virginia Board Of Nursing