

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JASMINE WHEELER, C.N.A.
Certificate No.: 1401-156354**

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 February 12, 2015, in Henrico County, Virginia. Jasmine Wheeler, C.N.A., was present and was not represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 25, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Wheeler 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. Jasmine Wheeler, C.N.A., was issued Certificate No. 1401-156354 to practice as a nurse aide in Virginia on October 25, 2012. The certificate expired on October 31, 2014.
2. By letter dated September 9, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Wheeler notifying her that an informal conference would be held on October 30, 2014. The Notice was sent by certified and first class mail to 3506 Westcliffe Avenue, Richmond, Virginia 23222, the address of record on file with the Board of Nursing. Ms. Wheeler requested and was granted a continuance until she was released from Henrico County Jail, Henrico,

Virginia. Ms. Wheeler was released from jail in December 2014, and the informal conference was rescheduled for February 12, 2015.

3. On April 9, 2014, Ms. Wheeler was convicted of one count of obtaining money by false pretense in the Colonial Heights, Virginia, General District Court.

4. On June 10, 2014, Ms. Wheeler was convicted of three misdemeanor counts of obtaining money or signature by false pretense in the Henrico, Virginia, General District Court.

5. Ms. Wheeler's convictions involved approaching people at an automatic teller machine, asking them to deposit her check into their account, and withdrawing cash for her. Ms. Wheeler stated that the checks were written to her by her then boyfriend, who knew the checks were worthless.

6. Ms. Wheeler stated that she was sentenced to 12 months in jail, with 12 months suspended, by the Colonial Heights General District Court. She was ordered to complete 40 hours of community service, and pay restitution to her three victims. Ms. Wheeler stated that she completed the community service at the YMCA in Petersburg, Virginia. Ms. Wheeler provided proof that she paid the restitution related to this conviction, but admitted during the informal conference that her mother actually paid the restitution for her.

7. Ms. Wheeler stated that she was sentenced to 12 months in jail, with six months suspended, by the Henrico General District Court. Ms. Wheeler stated that she completed her sentence in December 2014, and has paid her court-ordered restitution.

8. On March 27, 2013, during the course of her employment with Vista Park Memory Care Center, Petersburg, Virginia, Ms. Wheeler spoke to Resident A in an aggressive manner which was witnessed by another certified nurse aide.

9. Ms. Wheeler denied that she was aggressive with Resident A. Ms. Wheeler claimed that she had had a disagreement with the person who reported her.

10. On April 2, 2013, Ms. Wheeler's employment with Vista Park Memory Care was terminated.

11. Ms. Wheeler stated that she has been terminated from two other employers since receiving her certification to practice as a nurse aide on October 25, 2012. She stated that she was terminated from a facility, the name of which she could not remember, for improper uniform. Ms. Wheeler stated that she was terminated from Care Advantage for tardiness.

12. At the informal conference, Ms. Wheeler stated that she plans to attend school to become a licensed practical nurse.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

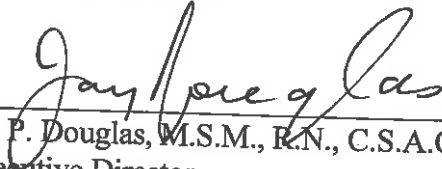
1. The right of Jasmine Wheeler to renew Certificate No. 1401-156354 to practice as a nurse aide is INDEFINITELY SUSPENDED for a period of not less than one year.
2. The certificate will be recorded as suspended.
3. At such time as Ms. Wheeler shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a nurse aide. Ms. Wheeler shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.
4. Ms. Wheeler is hereby REPRIMANDED.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Wheeler may, not later than 5:00 p.m., on **May 11, 2015**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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.


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: April 7th, 2015

This Order shall become final on May 11, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 

Virginia Board Of Nursing