

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JESSE PAYNE, C.N.A.
 Certificate No.: 1401-148216**

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 October 30, 2014, in Henrico County, Virginia. Jesse Payne, C. N. A., was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Payne 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. Jesse Payne, C.N.A., was issued Certificate No. 1401-148216 to practice as a nurse aide in Virginia on September 28, 2011. The certificate is scheduled to expire on September 30, 2015.
2. By letter dated September 9, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Payne notifying her that an informal conference would be held on October 14, 2014. The Notice was sent by certified and first class mail to 407 Laxton Road, Lynchburg, Virginia 24502, the address of record on file with the Board of Nursing. The Notice sent by certified mail was accepted by E. Payne on September 22, 2014. As of October 30, 2014, the Notice sent by first class mail

had not been returned to the Board. By letter dated October 8, 2014, sent by certified and first class mail, the Board office notified Ms. Payne that the informal conference scheduled for October 14, 2014, was continued until October 30, 2014. According to the United States Postal Service website, a notice was left on October 10, 2014, informing Ms. Payne that she had certified mail available for pick-up. As of October 30, 2014, the continuance letter sent by first class mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Payne and the informal conference proceeded in her absence.

3. During the course of her employment with Centra Specialty Hospital, Lynchburg, Virginia, Ms. Payne tested positive for marijuana in a urine drug screen on April 26, 2013 that was requested by her employer, following an injury. Ms. Payne was under an Employee Assistance Program contract for random drug screens after she tested positive for marijuana on February 26, 2014.

4. On March 3, 2014, Ms. Payne's employment with Centra Specialty Hospital was terminated.

5. Ms. Payne did not respond to requests for an interview made by the investigator for the Department of Health Professions.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Certificate No. 1401-148216 of Jesse Payne, C.N.A., to practice as a nurse aide is INDEFINITELY SUSPENDED.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Payne 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. Payne 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.

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. Payne failed to appear at the informal conference, this Order shall be considered final. Ms. Payne 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. Payne has 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 (3) 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: February 5, 2015

Certified True Copy

By 
Virginia Board Of Nursing