

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JOSHUA MOXLEY, C.N.A.
Certificate No.: 1401-163488**

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 December 11, 2014, in Henrico County, Virginia. Joshua Moxley, C.N.A., was present and was represented by Gregory Cassis, Esquire. 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. Mr. Moxley was not present nor was he 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. Joshua Moxley, C.N.A., was issued Certificate No. 1401-163488 to practice as a nurse aide in Virginia on October 30, 2013. The certificate is scheduled to expire on October 30, 2015.
2. By letter dated September 11, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Moxley notifying him that an informal conference would be held on October 29, 2014. The Notice was sent by certified and first class mail to 946 Mount Zion Church Road, Sparta, North Carolina 28675, the address of record on file with the Board of Nursing. By letter dated October 29, 2014, sent by certified and first class mail, the Board notified Mr. Moxley that the informal

conference scheduled for October 29, 2014, was continued to December 11, 2014.

3. On the night shift of December 3 - 4, 2013, during the course of his employment with Grayson Nursing and Rehabilitation Center, Independence, Virginia, the R.N. charge nurse reported that Mr. Moxley went into the residents' rooms clapping his hands and yelling that it was time to get up, bothering and scaring several residents. A licensed practical nurse reported that Mr. Moxley threatened to hit Resident A if she kicked him, and another staff member reported that he called Resident B lazy because she was unable to sit upright unassisted.

4. On December 11, 2013, Mr. Moxley's employment with Grayson Nursing and Rehabilitation Center was terminated.

5. Mr. Moxley stated that he had been falsely accused. He stated that he is not currently working in the health care field, but is employed on a family member's produce farm.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Joshua Moxley, C.N.A., is hereby REPRIMANDED.
2. Mr. Moxley shall maintain a course of conduct in his capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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, Mr. Moxley may, not later than 5:00 p.m., on

March 10, 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 he 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:


So 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

This Order shall become final on March 10, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing