

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           MAKESHA C. NDIAYE, L.P.N. REINSTATEMENT APPLICANT**  
**License No.: 0002-068703**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on December 15, 2014, in Henrico County, Virginia, to receive and act upon the application of Makesha C. Ndiaye for reinstatement of her license to practice practical nursing in Virginia. Ms. Ndiaye was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Makesha C. Ndiaye was issued License No. 0002-068703 to practice practical nursing in the Commonwealth of Virginia on May 14, 2004. Said license was continued on indefinite suspension by Order of the Board entered on April 2, 2014, based on findings that she was convicted of possession of cocaine and marijuana and used marijuana daily as a coping mechanism to manage stress. Ms. Ndiaye also holds an expired license to practice practical nursing in New Jersey. Her primary state of residence is Virginia.

2. By letter dated October 30, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Ndiaye notifying her that an informal conference would be held on December 15, 2014. The Notice was sent by certified and first class mail to 5200 Grand Oak Circle, #101, Petersburg, Virginia 23804, the address of record on file with the Board of Nursing.

3. Ms. Ndiaye submitted an application for reinstatement of her license to practice practical nursing which was received by the Board on September 16, 2014.

4. Ms. Ndiaye provided documentation from the Richmond Behavioral Health Authority of completing an assessment in May 2009.

5. Ms. Ndiaye provided documentation from Motiv8s, Inc., that she successfully completed a 16-session substance abuse education course on May 11, 2011.

6. Ms. Ndiaye provided the results of a negative drug screen conducted on December 3, 2014.

7. Ms. Ndiaye reported a sobriety date of February 2011.

### **CONCLUSIONS OF LAW**

The Committee concludes that Ms. Ndiaye has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner with certain terms and conditions.

### **ORDER**

On the basis of the foregoing, the Committee hereby ORDERS the following:

1. The license of Makesha C. Ndiaye to practice practical nursing is hereby REINSTATED contingent upon proof that Ms. Ndiaye has entered the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. Upon issuance of a license to practice as a practical nurse, which shall be valid in Virginia only, Ms. Ndiaye shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

2. This Order shall be applicable to Ms. Ndiaye's multistate licensure privilege, if any, to practice practical nursing. For the duration of this Order, Ms. Ndiaye shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Makesha C. Ndiaye and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Ndiaye shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Ndiaye is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Ndiaye involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Ndiaye has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Ndiaye's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Ndiaye's appearance before the Board and conduct an administrative review of this matter.

4. Ms. Ndiaye shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Ndiaye may, not later than 5:00 p.m., on **February 19, 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 COMMITTEE:

*Jay Douglas*

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

ENTERED: January 14<sup>th</sup>, 2015

This Order shall become final on **February 19, 2015**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *[Signature]*  
Virginia Board of Nursing