

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: NITAYA BARNETTE, L.P.N.
License No.: 0002-074840**

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 September 4, 2014 in Henrico County, Virginia. Nitaya Barnette, L.P.N. was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Barnette 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. Nitaya Barnette, L.P.N. was issued License No. 0002-074840 to practice practical nursing in Virginia on November 6, 2006. The license is scheduled to expire on January 31, 2015. Her primary state of residence is Virginia.
2. By letter dated July 30, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Barnette notifying her that an informal conference would be held on September 4, 2014. The Notice was sent by certified and first class mail to 72 Ivy Lane, Petersburg, Virginia 23805, the address of record on file with the Board of Nursing.
3. During the course of her employment with Central State Hospital, Petersburg, Virginia, on

November 21, 2013, Ms. Barnette placed her leg in a patient's wheelchair to prevent the patient from sitting in it. The incident occurred when the patient refused to walk from one area to another and demanded a wheelchair, as he had done previously. Ms. Barnette got the wheelchair, but the charge nurse left to check with the physician to make sure the patient could use the chair. The patient wanted to sit before the charge nurse returned, so Ms. Barnette used her leg to prevent him from doing so. The facility's investigation of this matter concluded that Ms. Barnette reported that the patient had kicked her. The patient was placed in four-point restraints for approximately one hour due to her complaint.

4. At the informal conference, Ms. Barnette acknowledged preventing the patient from sitting in the wheelchair but denied reporting that the patient had kicked her. She stated that she told the charge nurse that the patient had used his leg to move her leg from the chair. She stated that the patient was not agitated and did not need to be restrained, and she felt that the charge nurse was wrong for getting an order to restrain him. She indicated regret that although she was trying to cut down on confusion, her action had the opposite effect.

5. Ms. Barnette's six-year employment with Central State was terminated due to psychological abuse for falsely accusing the patient of kicking her and thereby causing him to be restrained. She grieved the termination, but it was upheld. Ms. Barnette is currently employed at Golden Living in Petersburg. Her current employer is aware of the reason for her termination from Central State.

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. Nitaya Barnette, L.P.N. is hereby REPRIMANDED.
2. Ms. Barnette 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 § 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. Barnette may, not later than 5:00 p.m., on January 6, 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:

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

ENTERED: *December 4, 2014*

This Order shall become final on January 6, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *Stacy*
Virginia Board of Nursing