

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: HAYLEE E. MERRITT, C.N.A.
Certificate No.: 1401-142825**

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 July 29, 2014, in Henrico County, Virginia. Ms. Merritt was present and was not represented by legal counsel. Nancy K. Durrett, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Merritt was present and was 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. HayLee E. Merritt, C.N.A. was issued Certificate No. 1401-142825 to practice as a nurse aide in Virginia on February 23, 2011. The certificate is scheduled to expire on February 28, 2015.
2. By letter dated July 3, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Merritt notifying her that an informal conference would be held on July 29, 2014. The Notice was sent by certified and first class mail to 3006 Peaks Road, Bedford, Virginia 24523, the address of record on file with the Board of Nursing.
3. During her employment at Oakwood Health and Rehabilitation Center ("Oakwood"), Bedford, Virginia, on or about November 20, 2013, Ms. Merritt spoke inappropriately to a resident while providing her with toileting care. Ms. Merritt admitted verbal exchange but meant in a joking manner.
4. Ms. Merritt's employment at Oakwood was terminated on November 27, 2013, based on her verbal abuse and her own admission of misconduct.
5. Ms. Merritt has been employed at Carriage Hill Assisted Living Facility, Bedford, Virginia, since

December 2013.

6. Ms. Merritt submitted an application for registration by examination to practice as a medication aide which was received by the Board on May 8, 2014.

CONCLUSION 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. HayLee E. Merritt, C.N.A. is hereby REPRIMANDED.
2. Ms. Merritt shall maintain a course of conduct in her 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, Ms. Merritt may, not later than 5:00 p.m., on November 3, 2014, 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: September 29, 2014

This Order shall become final on November 3, 2014; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing