

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JESSICA COLEY, C.N.A.
 Certificate No.: 1401-152552**

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 8, 2014 in Henrico County, Virginia. Ms. Coley was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., 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. Coley 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. Jessica Coley, C.N.A. was issued Certificate No. 1401-152552 to practice as a nurse aide in Virginia on May 16, 2012. The certificate is scheduled to expire on May 31, 2015.
2. By letter dated June 2, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Coley notifying her that an informal conference would be held on July 8, 2014. The Notice was sent by certified and first class mail to 1116 Gleaning Close, Virginia Beach, Virginia, 23455, the address of record on file with the Board of Nursing. As of July 8, 2014 neither the certified mail nor the first class mail was returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Coley and the informal conference proceeded in her absence.

3. On or about January 19, 2014, during the course of her employment with Lake Taylor Transitional Care Hospital, Norfolk, Virginia, Ms. Coley handled a patient roughly, pulled the patient's call button out of the wall and threatened the patient by indicating she would slit her throat, or words to that effect.

4. Ms. Coley denied all allegations; however, another nurse subsequently found the call bell out of the wall and the alert and oriented resident verified that the incident occurred when interviewed by an investigator with the Department of Health Professions two months after the event.

5. An investigation was opened pertaining to the incident by Adult Protective Services ("APS"), Norfolk, Virginia. APS determined the complaint was valid and found the allegations to be substantiated.

6. Ms. Coley was terminated from Lake Taylor Transitional Care Hospital on January 21, 2014 after a one-year term of employment.

7. Ms. Coley has had three nurse aide employments since she was certified in 2012.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Abuse pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

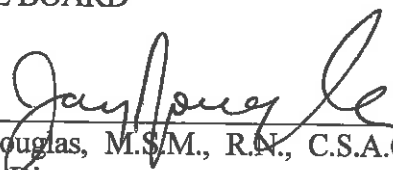
1. Certificate No. 1401-152552 of Jessica Coley, C.N.A., is REVOKED.

2. The certificate will be recorded as revoked and no longer current.
3. A Finding of ABUSE shall be ENTERED against Ms. Coley in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Coley's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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. Coley failed to appear at the informal conference, this Order shall be considered final. Ms. Coley 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. Coley has thirty (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: September 25th, 2014

Certified True Copy

By L. Brattin
Virginia Board Of Nursing