

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SAMMY BAILEY, C.N.A. REINSTATEMENT APPLICANT

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 May 14, 2007 in Henrico County, Virginia, to receive and act upon Mr. Bailey’s application for reinstatement of his certificate to practice as a nurse aide in Virginia and inquire into evidence that Mr. Bailey may have violated certain laws and regulations governing nurse aide practice. Mr. Bailey was not 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. Sammy Bailey was issued Certificate No. 1401-029206 to practice as a nurse aide in the Commonwealth of Virginia on March 14, 1992. Said certificate expired on March 31, 2004.
2. Mr. Bailey submitted an application for reinstatement of his certificate to practice as a nurse aide which was received by the Board on February 22, 2007.
3. During the course of his employment at Snyder Nursing Home, Salem, Virginia, on February 13, 2004, by his own admission, Mr. Bailey left the facility during his shift without informing anyone on duty that he were leaving, and did not return.
4. On his application for reinstatement of his nurse aide certificate, in response to the request that he list all places where he performed nursing-related duties for pay in the two years before his certificate expired, Mr. Bailey failed to list the following employers:

- a. Snyder Nursing Home;
- b. Radford Nursing and Rehabilitation Center;
- c. ATC Healthcare Services;
- d. Randolph House.

5. Mr. Bailey presented no verification of performance of nursing-related activities for compensation in the two years prior to the expiration date of the certificate and within the preceding two years, pursuant to 18 VAC 90-25-80(B)(1)(a) of the Board of Nursing Regulations.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(e) of the Board of Nursing Regulations.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Board of Nursing Regulations.

3. Mr. Bailey has not demonstrated satisfactory evidence that he is prepared to resume nurse aide practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Sammy Bailey is hereby REPRIMANDED.
2. The application of Sammy Bailey for reinstatement of his certificate to practice as a nurse aide is hereby DENIED.

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.

FOR THE COMMITTEE



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

ENTERED: May 31ST, 2007

NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1717, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Sammy Bailey at 830 Birchtree Road, Hillsville, Virginia 24343.



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

May 31ST, 2007
Date