

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: VALENCIA HAYES, L.P.N.
License No.: 0002-080032**

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 August 12, 2013, in Henrico County, Virginia, to inquire into evidence that Valencia Hayes, L.P.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Hayes 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. Valencia Hayes, L.P.N., was issued License No. 0002-080032 to practice practical nursing in the Commonwealth of Virginia on March 27, 2009. Said license is scheduled to expire on December 31, 2014. Her primary state of residence is Virginia.
2. By letter dated July 15, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Hayes notifying her that an informal conference would be held on August 12, 2013. The Notice was sent by certified and first class mail to 4051 Falstone Drive, Richmond, Virginia 23234, the address of record on file with the Board of Nursing. On the date of the informal conference, the Notice was amended, with Ms. Hayes’ consent.
3. Ms. Hayes was hospitalized in January 2013 for depression and suicidality, and for detoxification from Lortab (hydrocodone combination, Schedule II).

4. Ms. Hayes stated at the informal conference that she had attempted to commit suicide because she was upset about a recent employment termination. She took her mother's Lortab and Xanax (alprazolam, Schedule IV) in an attempt to overdose, and she also cut her own wrists and neck. She stated that she was prescribed Prozac upon discharge from the hospital, but that she does not need any medication except for fioricet with codeine for migraine headaches. She does not attend any counseling, is not employed, and is not in school. She stated that she does not feel that she has any mental illness or substance abuse problem.

5. Ms. Hayes falsely represented facts on the following employment applications:

a. On the application for employment with HCR Manor Care Stratford Hall, dated August 22, 2011, she omitted her prior employment with Virginia Baptist Home Lakewood Manor, which was terminated on July 31, 2011, due to a medication error.

b. On the application for employment with Old Dominion Home Health Services, dated October 18, 2012, she omitted her prior employment with Virginia Baptist Home Lakewood Manor and with HCR Manor Care Stratford Hall, where she had been employed between August 2011 and June 2012.

6. Ms. Hayes stated at the informal conference that she omitted her prior employment and termination from employment applications because she thought they would make her look bad.

7. In an interview with an investigator for the Department of Health Professions on April 19, 2013, Ms. Hayes denied being employed at any facility other than Richmond Treatment Center, Beaufort Health and Rehabilitation Center, and Old Dominion Home Health, when, in fact, she had also been employed at Virginia Baptist Home Lakewood Manor and HCR Manor Care Stratford Hall, as noted in Finding of Fact No. 5.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing (“Regulations”).

3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(n) of the Regulations.

ORDER

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

1. Valencia Hayes, L.P.N., shall have an evaluation by a mental health/chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within 45 days after the date that this Order is entered. Ms. Hayes shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September, and December until Ms. Hayes is discharged from therapy. Ms. Hayes shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

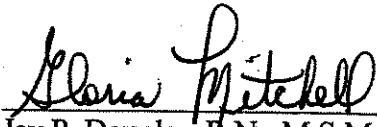
2. Upon receipt of the evaluation, the Board may request that Ms. Hayes reappear before a Special Conference Committee in order to consider the specialist’s recommendations and to make a final disposition of the matter.

3. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Hayes and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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. Hayes may, not later than 5:00 p.m., on October 7, 2013, notify Jay P. Douglas, 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:


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

ENTERED: September 4, 2013

This Order shall become final on October 7, 2013, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing