

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LAKEYSHIA GREEN, C.N.A.
Certificate No.: 1401-103358**

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 April 8, 2014, in Henrico County, Virginia. Lakeyshia Green, C.N.A., was not present nor was she represented by legal counsel. Jane Elliott, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 21, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Green 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. Lakeyshia Green, C.N.A., was issued Certificate No. 1401-103358 to practice as a nurse aide in Virginia on April 30, 2004. The certificate is scheduled to expire on May 31, 2014.
2. By letter dated March 6, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Green notifying her that an informal conference would be held on April 8, 2014. The Notice was sent by certified and first class mail to 870 Lucas Creek Road, Apt. 39, Newport News, Virginia, 23608, the address of record on file with the Board of Nursing. The Notice sent via certified mail was returned to the Board office stamped "Return to Sender – Attempted/Not Known – Unable to Forward – Return to Sender." The Notice sent via first-class mail was not returned to the Board office.

The Agency Subordinate concluded that adequate notice was provided to Ms. Green and the informal conference proceeded in her absence.

3. On October 24, 2013, during the course of her employment with Visiting Angels, Newport News, Virginia, while assigned to a resident living at The Gardens at Warwick Forest, Newport News, Virginia, Ms. Green reported to work at 9:00 a.m. while impaired. She admitted to another staff member that she had consumed “a couple of shots of whiskey” before coming to work that morning. Further, she had consumed several alcoholic drinks the evening before, continuing her consumption through approximately 2:30 a.m.

4. At approximately 11:00 a.m., contrary to policy, Ms. Green left the resident, to whom she was assigned as a companion aide, to get lunch for herself, and she did not notify the charge nurse that she was leaving the facility, as she was required to do. Due to Ms. Green’s unexcused absence from the facility, the resident who required total care did not receive her lunch on time. While driving back to the facility, Ms. Green was involved in a motor-vehicle accident.

5. After the investigating officer smelled alcohol on Ms. Green’s breath at the scene, Ms. Green was arrested for driving under the influence. On January 6, 2014, Ms. Green was convicted in the Newport News, Virginia, General District Court of driving under the influence.

6. Ms. Green’s employment with Visiting Angels, which began in 2006, was terminated following this incident.

7. During the investigation of this matter, Ms. Green refused to submit to a urine drug screen as requested by the investigator for the Department of Health Professions. She admitted to leaving the facility without notifying the facility L.P.N., but she stated that she did not feel intoxicated when she came to work, although her blood alcohol was 0.09 sometime between 11:00 approximately 9 hours after she stated she had her last alcohol beverage.

CONCLUSIONS OF LAW

1. Finding of Fact Nos. 3 through 5 constitute a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.
2. Findings of Fact Nos. 3 through 5 and Conclusion of Law No. 1 constitute a Finding of Neglect pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Certificate No. 1401-103358 of Lakeyshia Green, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Neglect shall be ENTERED against Ms. Green 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. Green'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).
4. Since this Finding of Neglect was based on a singular occurrence, Ms. Green is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one (1) year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

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.

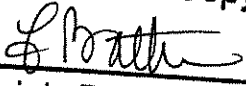
Since Ms. Green failed to appear at the informal conference, this Order shall be considered final. Ms. Green has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Green has thirty (30) days from the date of 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, R.N., M.S.M., C.S.A.C., 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


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

Entered: May 30, 2014

Certified True Copy
By 
Virginia Board Of Nursing