

**VIRGINIA:**

**AMENDED  
BEFORE THE BOARD OF NURSING**

**IN RE:           JENNIFER DELPH, C.N.A.  
                  Certificate No.: 1401-144409**

**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 March 13, 2014, in Henrico County, Virginia. Jennifer Delph, C.N.A., was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., 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. Delph 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.       Jennifer Delph, C.N.A., was issued Certificate No. 1401-144409 to practice as a nurse aide in Virginia on May 10, 2011. The certificate is scheduled to expire on May 31, 2014.
2.       By letter dated February 12, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Delph notifying her that an informal conference would be held on March 13, 2014. The Notice was sent by certified and first class mail to P. O. Box 341, Rose Hill, Virginia 24281, the address of record on file with the Board of Nursing. According to the United States Postal Service website, the Notice sent by certified mail was delivered on February 17, 2014. As of March 13, 2014, the Notice sent by first class mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Delph and the informal conference proceeded in her absence.
3.       From January to July 2013, during the course of her employment with Mountain Region Personal

Care and Home Health, Jonesville, Virginia, Ms. Delph regularly accepted money and gifts from Client A.

4. Client A's brother and daughter stated to the investigator for the Department of Health Professions that Client A willingly gave Ms. Delph \$3,000.00 to \$4,000.00 in cash and gifts. Client A's brother observed him giving Ms. Delph a roll of silver dollars worth at least \$200.00. Client A's daughter opined that Client A was infatuated with Ms. Delph and gave her monetary gifts every time she came to the house.

5. Client A stated to the investigator that he did give Ms. Delph money, but it was "way less" than \$100.00. He stated that he gave her a card with money at Christmas and bought her a box of candy at another time. Client A stated that he did not want to get Ms. Delph in trouble.

6. Ms. Delph, in her interview with the investigator, denied that she accepted thousands of dollars from Client A. She stated that she did accept \$100.00 and small gifts at Christmas and Valentine's Day.

7. Ms. Delph was hired as a Personal Care Aide in 2005 and became a certified nurse aide in 2011. Ms. Delph was terminated in 2013 for the above incident.

#### **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)(g) of the Regulations Governing Certified Nurse Aides.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

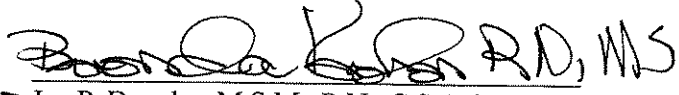
1. Certificate No. 1401-144409 of Jennifer Delph to practice as a nurse aide is REVOKED.
2. The certificate will be recorded as revoked and no longer current.

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. Delph failed to appear at the informal conference, this Order shall be considered final. Ms. Delph has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule

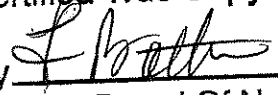
2A:2 of the Supreme Court of Virginia, Ms. Delph has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., 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 days are added to that period.

FOR THE BOARD

  
~~Sr~~ 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