

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JESSICA ROBINSON-BARKSDALE, C.N.A.
Certificate No.: 1401-117967

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 February 27, 2014, in Henrico County, Virginia. Jessica Robinson-Barksdale, 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. Robinson-Barksdale was not present nor was she represented by legal counsel. Ms. Robinson Barksdale submitted written comments/objections.

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 R. Robinson-Barksdale, C.N.A., was issued Certificate No. 1401-117967 to practice as a nurse aide in Virginia on March 7, 2007. The certificate is scheduled to expire on March 31, 2015.
2. By letter dated January 31, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Robinson-Barksdale notifying her that an informal conference would be held on February 27, 2014. The Notice was sent by certified and first class mail to 3679 Meadowdale Boulevard, North Chesterfield, Virginia 23234, the address of record on file with the Board of Nursing.

The Notice sent by certified mail was signed for by Ms. Robinson-Barksdale on February 1, 2014. As of February 27, 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. Robinson-Barksdale and the informal conference proceeded in her absence.

3. During the course of her employment with Central State Hospital, Petersburg, Virginia, from on January 2013, until October 2013, a facility investigation substantiated that Ms. Robinson-Barksdale engaged in an inappropriate sexual relationship with Patient A, who suffers with mental illness, that included grabbing her breast, writing her letters with explicit sexual content, and calling to speak to her at the hospital. Another patient reported hearing Patient A and Ms. Robinson-Barksdale having a conversation that was sexual in nature. In the opinion of Patient A's therapist, this relationship attributed to Patient A's depressive symptoms.

4. Ms. Robinson-Barksdale denied the allegations during the facility's investigation.

5. Ms. Robinson-Barksdale did not respond to requests for an interview from the investigator for the Department of Health Professions.

6. Ms. Robinson-Barksdale began employment with Central State Hospital on July 10, 2012, and was terminated on November 1, 2013.

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) and (i) 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.

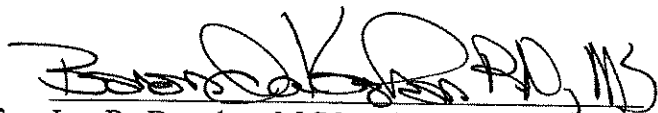
ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-117967 of Jessica Robinson-Barksdale to practice as a nurse aide is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Robinson-Barksdale 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. Robinson-Barksdale'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).

Since Ms. Robinson-Barksdale failed to appear at the informal conference, this Order shall be considered final. Ms. Robinson-Barksdale 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. Robinson-Barksdale 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


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

Certified True Copy

By 
Virginia Board Of Nursing

Entered: May 29, 2014