

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JOI M. KELLY, R.N.
License No.: 0001-223227**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 17, 2015, in Henrico County, Virginia, to inquire into evidence that Ms. Kelly may have violated certain laws and regulations governing nursing practice in Virginia and certain terms and conditions imposed on her, as set forth in the Order of the Board entered on February 14, 2014 ("Board's Order"). The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division, and Wayne Halbleib, Senior Assistant Attorney General. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Kelly was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Joi M. Kelly, R.N., was issued License No. 0001-223227 to practice professional nursing in the Commonwealth of Virginia on February 17, 2010. Said license expires on July 31, 2017. Ms. Kelly was placed on probation by Order of the Board entered February 14, 2014.
2. On July 16, 2014, Ms. Kelly was admitted to Riverside Behavioral Health, Hampton, Virginia, subsequent to a Temporary Detention Order. Ms. Kelly received inpatient treatment at Riverside Behavioral Health from July 16, 2014 through July 28, 2014, for a diagnosis of psychotic disorder NOS.
3. Term 7 of the Board's Order entered February 14, 2014, required that Ms. Kelly submit

quarterly self-reports beginning April 15, 2014, which she submitted two reports late. Ms. Kelly submitted the report due June 30, 2014, on July 24, 2014. She submitted the report due December 31, 2014, on February 5, 2015, and she failed to list her employment at Stay at Home Personal Care, Gloucester, Virginia (“Stay at Home”), which began on November 24, 2014.

4. Term 6 of the Board’s Order required Ms. Kelly to submit a written description of the prospective employment setting and obtain Board approval before beginning nursing employment. Ms. Kelly began working at Stay at Home on November 24, 2014, without Board Approval. Further, Term No. 6 required that she practice nursing in a structured environment with on-site supervision by a professional nurse with an unrestricted license working the same shift on the same building level as Ms. Kelly. The position she accepted at Stay at Home requires unsupervised in-home care visits.

5. Upon discharge from Riverside, the discharging psychiatrist called Ms. Kelly’s prognosis guarded and depended on whether she continued to see a psychiatrist and take her psychiatric medication, Haldol and Cogentin. The same note states that Ms. Kelly did not want to see a psychiatrist after discharge.

6. At the hearing, Ms. Kelly was verbally confrontational. She also asked witnesses to give her documents which were admitted into evidence, but would refuse to accept the evidence when offered to her.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 3 constitutes a violation of Term No. 7 of the Board’s Order entered February 14, 2014.
3. Finding of Fact No. 4 constitutes a violation of Term No. 6 of the Board’s Order entered February 14, 2014.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-223227 issued to Joi M. Kelly, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby REVOKED.
2. The license of Ms. Kelly will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Kelly seek reinstatement of her license after three years, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice. The reinstatement of Ms. Kelly's license shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
3. At such time as Ms. Kelly shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.
4. This Order shall be applicable to Ms. Kelly's multistate licensure privileges, if any, to practice professional nursing.
5. Ms. Kelly is hereby REPRIMANDED.

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 BOARD

for *Gloria Mitchell-Lively*
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

October 1, 2015
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By *desaham*
Virginia Board Of Nursing