

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       ERICA JENKINS, C.N.A.**  
**Certificate No.: 1401-148672**

**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 November 5, 2013, in Henrico County, Virginia. Erica Jenkins, C.N.A., was not present nor was she represented by legal counsel. Erica Jenkins, C.N.A., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Jenkins 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. Erica Jenkins, C.N.A., was issued Certificate No. 1401-148672 to practice as a nurse aide in Virginia on October 26, 2011. The certificate expired on October 31, 2014.
2. By letter dated October 8, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Jenkins notifying her that an informal conference would be held on November 5, 2013. The Notice was sent by certified and first class mail to 245 West Main Street, Marion, Virginia, 23454, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was returned unsigned to the Board office on October 21, 2013. 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. Jenkins and the informal conference proceeded in her absence.

3. During the course of her employment with Edgemont Nursing and Rehab Center, Wytheville, Virginia, on May 22 and 23, 2013, Ms. Jenkins roughly handled Residents A and B while changing them. Both residents were able to describe Ms. Jenkins. Resident C reported she spoke rudely and inappropriately to him and failed to change his soiled pajamas when he asked her. Residents A and B sustained skin tears while respondent was providing care to them.

4. Ms. Jenkins' employment was terminated on May 23, 2013. She had been employed at Edgemont Nursing and Rehab Center since April 23, 2013.

5. Ms. Jenkins previously worked at Covington Place, from April 2011 through February 2012, and she quit without notice.

6. The investigator for the Department of Health Professions was unable to contact Ms. Jenkins in connection with this matter.

### **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) 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 § 483.13(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. 1401-148672 of Erica Jenkins, C.N.A., is REVOKED.
2. A Finding of Abuse shall be ENTERED against Ms. Jenkins 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. Jenkins' 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).

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. Jenkins failed to appear at the informal conference, this Order shall be considered final. Ms. Jenkins 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. Jenkins 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

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

Entered: Feb. 10, 2014

Certified True Copy

By   
Virginia Board Of Nursing