

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           JENNIFER DEAN, C.N.A.**  
**Certificate No.: 1401-110165**

**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 Virginia Board of Nursing ("Board") on October 22, 2013, in Henrico County, Virginia. Ms. Dean 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 January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Dean 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 Dean was issued Certificate No. 1401-110165 to practice as a nurse aide in Virginia on August 6, 2005. The certificate is scheduled to expire on August 31, 2014.
2. By letter dated October 1, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Dean notifying her that an informal conference would be held on October 22, 2013. The Notice was sent by certified and first class mail to 337 Camellia Drive, Charlottesville, Virginia 22903, the address of record on file with the Board of Nursing. The certified mail was returned to the Board office marked "moved, left no address." The first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Dean and the informal conference proceeded in her absence.

3. Ms. Dean was convicted in the Rockingham/Harrisonburg General District Court, on June 13, 2013, of misdemeanor unauthorized use of a motor vehicle.

4. Ms. Dean was convicted in the Rockingham/Harrisonburg General District Court on November 23, 2010, of misdemeanor concealment/price altering.

5. In submitting an application for reinstatement of her expired nurse aide certificate, on April 25, 2013, Ms. Dean checked “no” to the question: “Have you ever been convicted . . . of the violation of any federal, state, or other law constituting a felony or misdemeanor . . .?” when, in fact, she had been convicted of a misdemeanor prior to the date of her application, as noted above. Her certificate was reinstated and the Board became aware later that same day of her prior criminal convictions.

6. In her job application to Envoy of Staunton, Staunton, Virginia, which she submitted on March 27, 2013, Ms. Dean checked “no” to the question: “Have you ever been convicted of a crime?” when, in fact, she had been convicted of a misdemeanor prior to that date, as noted above.

7. On September 15, 2012, she was arrested for public swearing and intoxication, a misdemeanor. A court hearing was waived and she paid a fine in the Rockingham/Harrisonburg General District Court.

8. Ms. Dean was convicted of misdemeanor possession of marijuana on April 12, 2013, and final sentencing was deferred to April 11, 2014, with terms and conditions including suspension of her driver’s license and required participation in the Virginia Alcohol and Safety Action Program (“VASAP”).

9. Ms. Dean was charged on August 26, 2012, with driving while intoxicated and convicted in the Rockingham/Harrisonburg General District Court, on April 12, 2013, of the lesser offense of reckless driving.

10. Ms. Dean contacted the investigator from the Department of Health Professions and advised that she would be sending a written response to the above allegations but she did not send a response and further efforts to reach her have been unsuccessful.

### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute violations of § 54.1-3007(4) of the Code of Virginia (1950), as amended (“Code”).

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides (“Regulations”).

3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

4. Finding of Fact No. 7 through 9 constitutes a violation of §54.1-3007(6) of the Code.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-110165 is INDEFINITELY SUSPENDED.

2. The certificate will be recorded as suspended and no longer current.


3. At such time as Ms. Dean shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent nurse aide practice. Ms. Dean shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

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

Ms. Dean 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. Dean has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed 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

Entered: Feb. 6, 2014

Certified True Copy

By   
Virginia Board Of Nursing