

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KARESSA R. WITCHER, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-111640

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 October 29, 2013, in Henrico County, Virginia. Karessa R. Witcher, C.N.A., was not present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Witcher 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. Karessa R. Witcher was issued Certificate No. 1401-111640 to practice as a nurse aide by the Virginia Board of Nursing on November 28, 2005. Said certificate expired on November 30, 2009. Ms. Witcher submitted an application for reinstatement of said certificate on May 24, 2013.
2. By letter dated October 2, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Witcher notifying her that an informal conference would be held on October 29, 2013. The Notice was sent by certified and first class mail to 608 Northpointe Lane, Apt. 104, Danville, Virginia 24540, the address of record on file with the Board of Nursing. The certified mail and first class mail have not been returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Witcher and the informal conference proceeded in her absence.

3. Ms. Witcher has been convicted of the following misdemeanors in the General District Court for the City of Danville, Virginia:

a. On November 28, 2007, Ms. Witcher was convicted of shoplifting, first offense. She was sentenced to 120 days incarceration with 120 days suspended and she was ordered to pay \$326.00 in fines and costs. All fines and costs were paid by February 26, 2008.

b. On November 18, 2011, Ms. Witcher was convicted of one count of shoplifting, second offense. She was sentenced to 120 days incarceration with 90 days suspended and she was ordered to pay \$356.00 in fines and costs by September 23, 2013, but no evidence was provided to verify she has satisfied those fines and costs.

4. Ms. Witcher has not performed nursing related activities for compensation in over two years, nor has she retaken the NNAAP examination.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Ms. Witcher does not meet the requirements for reinstatement of her nurse aide certificate.

ORDER


WHEREFORE, it is hereby ORDERED that the application of Karessa R. Witcher for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia is hereby DENIED.

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.

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

Entered: Feb. 5, 2014

Certified True Copy

By 
Virginia Board Of Nursing