

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

KIMBERLY BURTON, R.M.A., C.N.A. APPLICANT

ORDER

In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(7) and (10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on December 17, 2013, in Henrico County, Virginia. Kimberly Burton was 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. Burton 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. By application received September 11, 2013, Kimberly Burton applied for certification by examination as a nurse aide in the Commonwealth of Virginia. Ms. Burton also holds a current registration to practice as a medication aide in Virginia. Ms. Burton was issued Registration No. 0031-002536 to practice as a medication aide on February 18, 2009. The registration expires on August 31, 2014.

2. By letter dated November 19, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Burton notifying her that an informal conference would be held on December 17, 2013. The Notice was sent by certified and first class mail to 6612 Mason Valley Drive, North Chesterfield, Virginia 23234, the address of record on file with the Board of Nursing.

3. By Order of the Department of Health Professions entered on July 29, 2011, Ms. Burton's registration to practice as medication aide was summarily suspended. By Order of the Board entered on September 27, 2011 ("Board's Order"), Ms. Burton's registration to practice as a medication was reinstated. The Board's Order also reprimanded Ms. Burton and ordered her to complete a Department of Social Services approved Direct Care course within 60 days based on findings that during her employment as a medication aide, Ms. Burton acted inappropriately, while cleaning a resident who had soiled herself.

4. Ms. Burton completed the Direct Care Course within 60 days of the Board's Order. At the informal conference, Ms. Burton submitted a letter of reference from the school where she received her nurse aide training and a letter of reference from Grace House, Richmond, Virginia, where she has been employed for the last two years.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.
2. Ms. Burton otherwise meets the requirements of § 54.1-3023 of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. The application of Kimberly Burton for certification by examination as a nurse aide is APPROVED. Upon successful completion of the NNAAP examination, Ms. Burton shall be issued an unrestricted certificate to practice as a nurse aide in the Commonwealth.
2. Ms. Burton is hereby REPRIMANDED.
3. Ms. Burton shall maintain a course of conduct in her capacity as a nurse aide and medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing Certified Nurse Aides.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Burton may, not later than 5:00 p.m., on **March 10, 2014**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

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

This Order shall become final on March 10, 2014; unless a request for a formal administrative hearing is received as described above.