

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KESHA TAYLOR, C.N.A.
Certificate No.: 1401-109785**

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 December 9, 2013, in Henrico County, Virginia, to inquire into evidence that Kesha Taylor, C.N.A., may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on October 7, 2011. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Taylor was not 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. Kesha Taylor, C.N.A., was issued Certificate No. 1401-109785 to practice as a nurse aide in the Commonwealth of Virginia on July 22, 2005. Said certificate expired on July 31, 2007, due to non-renewal. By Order of the Board entered October 7, 2011, Ms. Taylor's certificate was reinstated contingent upon terms and conditions.
2. Based upon the representations of Cynthia E. Gaines, Adjudication Specialist, and Commonwealth's Exhibit No. 1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. Term 3 of the Board's Order entered October 27, 2011, required Ms. Taylor to comply with all terms and conditions specified by the Health Practitioners' Monitoring Program ("HPMP"). On January 11,

2013, she was dismissed from HPMP for noncompliance. Specifically, between September 4, 2012 and October 15, 2012, Ms. Taylor failed to call the urine screen test line seven times, failed to appear for a screen on October 12, 2012, and failed to comply with a recommendation to attend a weekly treatment group through her local community services board or drug court.

4. Ms. Taylor represented to the investigator for the Department of Health Professions that she could not afford the HPMP and could not participate due to time and family constraints, and further felt that her participation in drug court should have been sufficient to comply with the Board's Order. Ms. Taylor intentionally stopped calling in to the test line and intentionally stopped attending scheduled urine drug screens, and was aware of the repercussions of her noncompliance.

5. Ms. Taylor last contacted her HPMP case manager on October 9, 2012. Ms. Taylor's HPMP case manager testified that the HPMP attempted to provide alternative test mechanisms which would have assisted her with the cost of the screenings.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of Term 3 of the Board's Order entered October 27, 2011.

ORDER

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

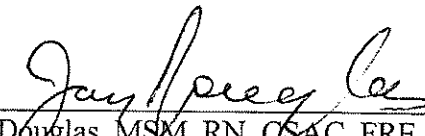
1. The right of Kesha Taylor to renew Certificate No. 1401-109785 to practice as a nurse aide in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.
2. The certificate of Ms. Taylor will be recorded as SUSPENDED. Should Ms. Taylor seek reinstatement of her certificate consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her certificate prior to issuance of her certificate to resume practice.

3. At such time as Ms. Taylor shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice as a nurse aide.

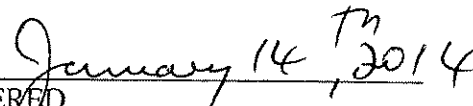
4. Ms. Taylor is hereby REPRIMANDED.

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



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing


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, R.N., M.S.M., C.S.A.C., 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 

Virginia Board of Nursing