

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KESHA S. TAYLOR, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-109785

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on October 3, 2011, in Henrico County, Virginia, to receive and act upon Kesha S. Taylor’s application for reinstatement of her certificate to practice as a nurse aide in Virginia, and to inquire into evidence that Ms. Taylor may have violated certain laws and regulations governing the practice of nurse aides in Virginia. Ms. Taylor was present and was not represented by legal counsel. Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kesha S. Taylor 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.
2. Ms. Taylor submitted an application for reinstatement of her certificate to practice as a nurse aide, which was received by the Board on May 25, 2011.
3. By letter dated September 7, 2011, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Taylor notifying her that an informal conference would be held on October 3, 2011. The Notice was sent by certified and first class mail P. O. Box 7765, Norfolk, Virginia 23509, the address of record on file with the Board of Nursing. The Notice was also sent by certified and first class mail to 2740 Chesapeake Boulevard, Apt. A, Norfolk, Virginia 23509, a secondary address.
4. On August 22, 2008, Ms. Taylor was convicted of petit larceny, a misdemeanor, in the Chesapeake City General District Court.

5. On August 19, 2008, Ms. Taylor was convicted of shoplifting, a misdemeanor, in the Norfolk City General District Court.

6. On July 17, 2008, Ms. Taylor was convicted of giving a false name to police, a misdemeanor, in the Norfolk City General District Court.

7. On April 28, 2008, Ms. Taylor was convicted of petit larceny, a misdemeanor, in the Norfolk City General District Court.

8. Ms. Taylor has an admitted history of addiction to crack cocaine. She reported her sobriety date as October 11, 2010. She also stated that she attends approximately 12 to 15 NA meetings per month, and that she has a sponsor with whom she is actively working the 12-step program. Additionally, she entered into a participation contract with the Health Practitioners' Monitoring Program ("HPMP") on September 16, 2011.

9. At the informal conference, Ms. Taylor stated that her criminal convictions were a direct result of her addiction, and of her attempts to support her habit. She indicated that she has not had any other criminal charges or convictions since her conviction of possession of cocaine in the Circuit Court of the City of Norfolk on December 9, 2010. This charge was taken under advisement by the Court, and Ms. Taylor was placed on probation for the term of two years as a first offender. By letter dated September 29, 2011, a counselor with the City of Norfolk Community Services Board, reported that Ms. Taylor is a participant in the Norfolk Community Services Board Drug Court, and that she has been compliant with her treatment plan as evidenced by attending all of her group sessions and support groups as required. She has also reportedly been subject to random urine drug screens, with all tests having negative results. Further, it was indicated that she has been moved up to Phase 4 in the program, which is considered a high level of commitment, responsibility and accountability. This information was corroborated by a letter from her probation and parole officer also dated September 29, 2011. Ms. Taylor further stated that she is making payments toward the court imposed fines and costs toward all of her prior criminal convictions.

10. Ms. Taylor submitted several letters of reference in support of the reinstatement of her nurse aide certificate.

11. Ms. Taylor stated that she last worked as a nurse aide in December, 2006. She advised the Committee that when she worked as a nurse aide, she did not have any practice-related disciplinary issues or employment terminations.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 4, 5, 6 and 7 constitute violations of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(6) of the Code.
3. Based on the above Findings of Fact, the Committee concludes that Ms. Taylor is properly enrolled in the Health Practitioners' Monitoring Program ("HPMP").
4. The Board concludes that Ms. Taylor has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The application of Kesha S. Taylor for reinstatement of her certificate to practice as a nurse aide is APPROVED.
2. Upon successful completion of the NNAAP examination, Ms. Taylor shall be issued a certificate to practice as a nurse aide in the Commonwealth of Virginia contingent upon her continued compliance with the HPMP for the period specified by the HPMP.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Kesha S. Taylor, and an administrative proceeding shall be held to decide whether her certificate should be revoked. Ms. Taylor shall be noticed to appear before the Board at such time as the Board is notified that:

a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

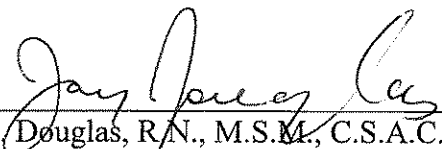
c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Taylor's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

4 Ms. Taylor shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Taylor may, not later than 5:00 p.m., on **November 29, 2011**, notify Jay P. Douglas, 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 COMMITTEE:


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

ENTERED: October 27th, 2011

This Order shall become final on **November 29, 2011**, unless a request for a formal administrative hearing is received as described above.