



COMMONWEALTH of VIRGINIA

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

July 2, 2013

Nekia Ford, L.P.N.
Post Office Box 3793
Petersburg, Virginia 23805

CERTIFIED MAIL
7196 9008 9111 9192 0100

RE: VA License No.: 0002-082250
Expiration Date: September 30, 2014

Dear Ms. Ford:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **July 30, 2013, at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will inquire into allegations that you may have violated § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations") in that you falsified documentation of hours that you cared for patients in their homes as follows:

a. During the course of your employment with Maxim Healthcare Services, Richmond, Virginia, while assigned to care for Patient A:

- i. You documented working from 7:00 p.m. on November 14, 2012 to 8:00 a.m. on November 15, 2012, but you actually arrived at the patient's home at 8:00 p.m. and left at 6:00 a.m.
- ii. You documented working from 7:00 p.m. on November 16, 2012, to 7:00 a.m. on November 17, 2012, and from 7:00 a.m. to 12:00 p.m. on November 17, 2012, but you actually arrived at the patient's home at 8:00 p.m. on November 16, 2012, and left at 8:00 a.m. on November 17, 2012.

b. During the course of your employment with American Critical Care Services, Richmond, Virginia, while assigned to care for Patient B:

i. You documented working from 10:00 p.m. on February 17, 2013 to 6:00 a.m. on February 18, 2013, but you actually arrived at the patient's home at 10:55 p.m. and left at 5:30 a.m.

ii. You documented working from 10:00 a.m. to 6:00 p.m. on February 24, 2013, but you actually arrived at 10:45 p.m. and left at 5:30 a.m.

2. You may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that on or about June 15, 2012, during the course of your employment with American Critical Care Services, while assigned to provide overnight care to Patient B, you were found wrapped in a blanket, asleep in a chair.

3. You may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that you provided false information on the application for employment with Maxim, dated February 2, 2012, and on the application for employment with ProNurses, dated January 10, 2012, in that you stated that your reason for leaving Riverview on the Appomattox and Prison Health Services was "personal," when, in fact, your employment at each of these facilities was terminated.

Please see Attachment I for the names of the patients referenced above.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- Recommend findings of fact, conclusions of law, and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Board's Review of Agency Subordinate's Recommended Decision

If you appear in person or by counsel at the informal conference, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

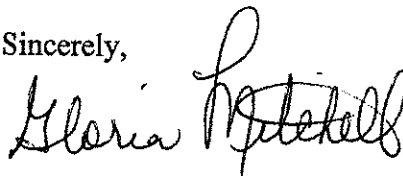
To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by July 25, 2013. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on July 30, 2013. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on July 25, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after July 25, 2013, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4617.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director

GDM/sk

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Sherry Foster, R.N., Senior Investigator (Case nos. 148139, 149351)
Agency Subordinate
Ramon Rodriguez, III, M.D., J.D., 211 Rocketts Way, Suite 100, Richmond VA 23231