

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: NAILEY COLE, R.N.
License No.: 0001-127425**

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 December 10, 2013, in Henrico County, Virginia, to inquire into evidence that Nailey Cole, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. Ms. Cole was present and was represented by Bruce Johnson, Esq.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Nailey Cole, R.N., was issued License No. 0001-127425 to practice professional nursing in the Commonwealth of Virginia on April 17, 1992. Said license expires on April 30, 2015. Her primary state of residence is Virginia.
2. By letter dated November 13, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Cole notifying her that an informal conference would be held on December 10, 2013. The Notice was sent by certified and first class mail to 3733 Persimmon Circle, Fairfax, Virginia 22031, the address of record on file with the Board of Nursing. On December 10, 2013, Ms. Cole received an Amended Notice.
3. While Ms. Cole was the owner and supervisor of Precious Care At Home Services, Fairfax, Virginia, from November 2012 to January 2013, she failed to adequately supervise an employee who she hired to organize patient charts. By Ms. Cole’s own admission, her employee updated client care plans but Ms. Cole did not know whether the employee visited the client, and Ms. Cole signed patient documents her employee created without reviewing the documents. Finally, Ms. Cole’s employee forged the signature of

Client A, who was comatose, and a physical therapist, on physical therapy notes, and Ms. Cole failed to discover the forgeries in a timely manner.

4. At the informal conference, Ms. Cole took responsibility for the incidents in Finding of Fact No. 3 and stated they occurred because of her lack of oversight of the employee. Ms. Cole submitted evidence that she hired additional staff to visit patients. Ms. Cole stated that now that she has additional staff, she spends her time on documentation instead of visiting patients. Ms. Cole continues to own and operate Precious Care At Home Services.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 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”).

ORDER

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

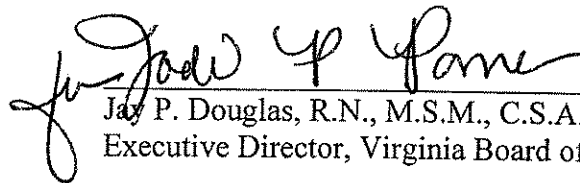
1. Nailey Cole, R.N., is hereby REPRIMANDED.
2. Ms. Cole shall provide the Board with verification that she has completed the following courses within 90 days of the date this Order is entered:
 - a. The National Council of State Boards of Nursing (“NCSBN”) online courses: Professional Accountability and Legal Liability for Nurses; and Documentation: A Critical Aspect of Client Care.
 - b. A Board-approved course on nursing supervision and managing a licensed home health care organization.
3. Ms. Cole shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Cole and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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. Cole may, not later than 5:00 p.m., on **January 29, 2014**, 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., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: December 27, 2013

This Order shall become final on **January 29, 2014**, unless a request for a formal administrative hearing is received as described above.