

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

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

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Nailey M. Cole, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Cole's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Nailey M. Cole, R.N., was issued License No. 0001-127425 to practice professional nursing by the Virginia Board of Nursing on April 17, 1992. Said license is set to expire on April 30, 2013. Ms. Cole holds License No. RN61891 to practice professional nursing in the District of Columbia, which is set to expire on June 30, 2012. She also holds License No. R121429 to practice professional nursing in Maryland, which expired on April 28, 1999. Her primary state of residence is Virginia.
2. During the course of her business ownership of Precious Care at Home Services, Inc., Fairfax, Virginia, on July 15, 2011, Ms. Cole hired an individual for a licensed practical nurse position without verifying her license status or performing a skills assessment. The employee had failed the practical nurse examination on June 24, 2010, and was not authorized to practice. The employee provided care to Patient A on nine separate occasions and to Patient B on three separate occasions in July, 2011. Patient B had a tracheostomy and a gastrostomy tube and the employee was unable to provide all of his required treatment due to her lack of knowledge. The employee was terminated on July 22, 2011, subsequent to an inquiry of her license status by Patient B's family.

**CONCLUSIONS OF LAW**

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(d) and (i) of the Regulations Governing the Practice of Nursing.

**CONSENT**

Nailey M. Cole, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

**ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Nailey M. Cole, R.N., is hereby REPRIMANDED.

2. Ms. Cole shall pay a MONETARY PENALTY of \$100.00 to the Board within 60 days of the entry of this Order.

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 Nailey M. Cole, R.N., 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 upon request.

FOR THE BOARD

*for* Gloria Mitchell  
Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director, Virginia Board of Nursing  
ENTERED: March 15, 2012

SEEN AND AGREED TO:

Nailey Cole

Nailey M. Cole, R.N.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Saint James, TO WIT:

Subscribed and sworn to before me, Tara Alan, a Notary Public, this 28 day of Feb, 2012.

My commission expires 12/31/2012.

Registration Number 7230652.

Tara Alan  
NOTARY PUBLIC

