

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       JACQUELINE WAFULA, C.N.A.  
              Certificate No.: 1401-085675**

**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 6, 2011, in Henrico County, Virginia, to inquire into evidence that Jacqueline Wafula, C.N.A., may have violated certain terms and conditions imposed on her certificate to practice as a nurse aide in Virginia, as set forth in the Order of the Board entered on December 18, 2008. Ms. Wafula was present and was not represented by counsel.

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

**FINDINGS OF FACT**

1.       Jacqueline Wafula, C.N.A., was issued Certificate No. 1401-085675 to practice as a nurse aide in the Commonwealth of Virginia on March 19, 2001. Her certificate expired on March 31, 2003. Ms. Wafula applied for reinstatement of her certificate to practice as a nurse aide, which was received by the Board on April 30, 2008. By Order of the Board dated December 18, 2008, Ms. Wafula’s application for reinstatement was approved contingent upon her continued compliance with all terms and conditions of the Health Practitioners’ Monitoring Program *[formerly the Health Practitioners’ Intervention Program]* based on her admitted history of mental health and substance abuse issues. Her certificate expires on October 31, 2012.

2. By letter dated September 9, 2011, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Wafula notifying her that an informal conference would be held on October 6, 2011. The Notice was sent by certified and first class mail to 2018 Columbia Pike, Apt. #16, Arlington, Virginia 22242, the address of record on file with the Board of Nursing.

3. Ms. Wafula was dismissed from the Health Practitioners’ Monitoring Program on August 19, 2011, due to her failure to submit participant progress and group attendance reports, and her failure to comply with the urine toxicology screening program.

4. Ms. Wafula reported that she has been seeing a therapist every week since February, 2010, and he prescribes Zoloft and Norvasc to her. She further reported that her urine screens have been clean, and her date of sobriety is February 5, 2008. She reported that she attends Narcotics Anonymous five to six times a week, and she has been seeing her sponsor for approximately four years. Ms. Wafula has been with the same employer for the last four years.

### **CONCLUSIONS OF LAW**

Finding of Fact No. 3 constitutes a violation of Term No. 1 of the Board’s Order.

### **ORDER**

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

1. Jacqueline Wafula, C.N.A., is hereby REPRIMANDED.
2. Ms. Wafula shall be placed on PROBATION for a period of one year of actual nurse aide practice and subject to the following terms and conditions:
  - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Wafula has completed one year of active employment as a certified nurse aide. The certificate of Ms. Wafula shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation

or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code of Virginia (1950), as amended (“Code”).

b. Ms. Wafula shall inform the Board in writing within ten days of the date she begins nurse aide practice, or changes employment, or if any interruption in nurse aide practice occurs. Additionally, Ms. Wafula shall provide the name and address of each employer to the Board.

c. Ms. Wafula shall inform her current nurse aide employer and each future nurse aide employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Wafula is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Performance Evaluations shall be provided, at the direction of Ms. Wafula, by all nurse aide employers, as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

e. Ms. Wafula shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

f. Ms. Wafula shall be required to have her therapist or other treatment provider send to the Board the results of any drug screen. The Board shall be notified immediately in writing of any positive results or if Ms. Wafula refuses to give a specimen for analysis. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

g. Ms. Wafula shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

h. Ms. Wafula shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

i. Ms. Wafula shall return all copies of her certificate to practice as a certified nurse aide to the Board office within ten days of the date of entry of this Order along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a certificate marked “Probation with Terms.”

j. Ms. Wafula shall conduct herself as certified nurse aide in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Ms. Wafula and an administrative proceeding shall be held to decide whether her certificate shall be 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. Wafula may, not later than 5:00 p.m., on November 22, 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 20<sup>th</sup> 2011

This Order shall become final on November 22, 2011; unless a request for a formal administrative hearing is received as described above.