

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

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

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on September 26, 2013, in Henrico County, Virginia. Jacqueline Wafula, C.N.A., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Wafula was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Jacqueline Wafula, C.N.A., was issued Certificate No. 1401-085675 to practice as a nurse aide in Virginia on March 19, 2001. The certificate expired on March 31, 2013. By Order of the Board entered 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 ("HPMP," formerly known as the Health Practitioners' Intervention Program) based on her admitted history of mental health and substance abuse issues. By Order of the Board entered October 20, 2011 ("Board's Order"), Ms. Wafula was placed on probation for a period of one year, subject to certain terms and conditions, based on findings that she was dismissed from the

HPMP.

2. By letter dated August 30, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Wafula notifying her that an informal conference would be held on September 26, 2013. The Notice was sent by certified and first class mail to 21 Canterbury Square #302, Alexandria, Virginia 22304, the address of record on file with the Board of Nursing.

3. Term No. 2(b) of the Board's Order required Ms. Wafula to inform the Board within ten days of the date she began nurse aide practice, or changed employment, or if any interruption in nurse aide practice occurred. On Ms. Wafula's self-report received by the Board on April 6, 2012, she stated that she stopped working at Senior Helpers, Fairfax, Virginia, on January 6, 2012, and by phone Ms. Wafula reported that she stopped working at Senior Helpers in January 2013. In fact, Ms. Wafula stopped working at Senior Helpers in October 2012.

4. Term No. 2(c) of the Board's Order required Ms. Wafula to inform her current and each future nurse aide employer that the Board had placed her on probation and provide them with a copy of the Board's Order. Ms. Wafula failed to inform Senior Helpers that she was on probation.

5. Term No. 2(d) of the Board's Order required Ms. Wafula's nurse aide employers, by her direction, to submit quarterly performance evaluations. The Board never received any performance evaluations from Senior Helpers, where she was employed from November 2011 to October 2012.

6. Term No. 2(e) of the Board's Order required Ms. Wafula to submit a written report from her prescribing practitioners to the Board within ten days the medication was prescribed for any Schedule II-V prescriptions. From December 2011 to July 2013, Ms. Wafula received 32 prescriptions of Schedule II-IV medications, including 28 for narcotics, written by 19 different prescribers, and filled at four different pharmacies, and Ms. Wafula did not submit any prescription reports.

7. Term No. 2(h) of the Board's Order required Ms. Wafula to submit quarterly reports

beginning December 19, 2011. Ms. Wafula failed to submit any self report from December 31, 2012, to June 30, 2013, and Ms. Wafula did not submit timely self reports that were due on the following dates: December 19, 2011; December 31, 2011; June 30, 2012; and September 30, 2012.

8. At the informal conference, Ms. Wafula claimed that she has six years of sobriety, and that she attends Alcoholics Anonymous twice a week. While employed at Senior Helpers, she did not receive any disciplinary actions. However, Senior Helpers terminated Ms. Wafula's employment for failing to disclose the Board's Order and the fact that the Board placed her on probation. Ms. Wafula is currently working as a waitress, which she has done for the last six years.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of Term No. 2(b) of the Board's Order.
2. Finding of Fact No. 4 constitutes a violation of Term No. 2(c) of the Board's Order.
3. Finding of Fact No. 5 constitutes a violation of Term No. 2(d) of the Board's Order.
4. Finding of Fact No. 6 constitutes a violation of Term No. 2(e) of the Board's Order.
5. Finding of Fact No. 7 constitutes a violation of Term No. 2(h) of the Board's Order.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:


1. Jacqueline Wafula, C.N.A., is hereby REPRIMANDED.
2. The right of Ms. Wafula to renew Certificate No. 1401-085675 is INDEFINITELY SUSPENDED.
3. The certificate will be recorded as suspended and no longer current.
4. At such time as Ms. Wafula shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a nurse aide. Ms. Wafula shall be responsible for any fees that may be

required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Wafula may, not later than 5:00 p.m., on **January 8, 2014**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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 BOARD:

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

ENTERED: December 6<sup>th</sup>, 2013

This Order shall become final on **January 8, 2014**, unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**

By   
\_\_\_\_\_  
Virginia Board of Nursing