

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JACQUELINE D. K. WAFULA, C.N.A. REINSTATEMENT APPLICANT

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 8, 2008, in Henrico County, Virginia, to receive and act upon Jacqueline D. K. Wafula’s application for the reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia, which expired on March 31, 2003, and to inquire into allegations that Ms. Wafula may have violated certain laws and regulations governing nurse aide practice in Virginia. 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 D. K. Wafula was issued Certificate No. 1401-085675 to practice as a nurse aide in the Commonwealth of Virginia on March 19, 2001. Said certificate expired on March 31, 2003.
2. Ms. Wafula submitted an application for reinstatement of her certificate to practice as a nurse aide which was received by the Board on April 30, 2008.
3. On November 20, 2006, and November 13, 2007, Ms. Wafula was convicted of petit larceny in the Alexandria General District Court.
4. Ms. Wafula has an admitted history of mental health and substance abuse issues. At the informal conference, she reported her sobriety date as February 5, 2008. She stated that she has participated in a number of substance abuse programs to maintain her sobriety, including a detox program, an intensive

outpatient program, and a family education group. She also indicated that she attends individual therapy once a week, and attends about five to six AA/NA meetings per week. She advised the Committee that she has a sponsor and is actively working the 12-step program. She further stated that she is currently living in an independent living facility monitored by the Alexandria Community Services Board.

5. In June 2008, Ms. Wafula entered into a Participation Contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10, et seq., of the Regulations Governing the HPIP. On November 6, 2008, she entered into a Recovery Monitoring Contract ("Contract"). Heleen Grant, HPIP case manager, accompanied Ms. Wafula and stated that Ms. Wafula has been compliant with the terms of her contract and that, to date, all urine drug screens submitted by Ms. Wafula have been negative. Additionally, she indicated that HPIP supports the reinstatement of Ms. Wafula's nurse aide certificate.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Ms. Wafula otherwise meets the requirements of § 54.1-3011(B) of the Code and 18 VAC 90-25-80(B)(1) of the Board of Nursing Regulations for reinstatement of her certificate to practice as a nurse aide.

ORDER

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

1. The certificate of Jacqueline K. Wafula is hereby REINSTATED contingent expressly upon Ms. Wafula's continued compliance with all terms and conditions of the Contract with the HPIP for the period specified in the Contract.
2. 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. Ms. Wafula shall be noticed to appear before the Board at such time as the Board is

notified that:

a. Ms. Wafula is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP,

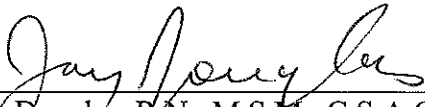
b. There is a pending investigation or unresolved allegations against Ms. Wafula involving a violation of law, regulation or any term or condition of this Order, or,

c. Ms. Wafula has successfully completed the specified period of participation in the HPIP. However, upon receipt of evidence of Ms. Wafula's participation in and compliance with the HPIP, the Board, at its discretion, may waive Ms. Wafula's appearance before the Board and conduct an administrative review of this matter.

3. Ms. Wafula shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

FOR THE COMMITTEE



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

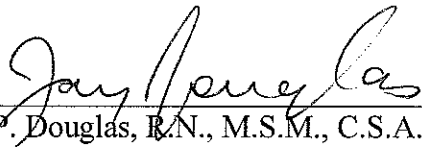
ENTERED: December 18th, 2008

NOTICE OF RIGHT TO FORMAL HEARING

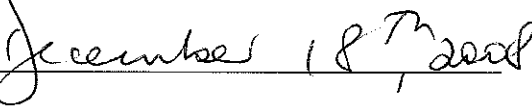
If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Jacqueline D. K. Wafula, C.N.A. Reinstatement Applicant, at to 2355 Mill Road, Apt. B, Alexandria, Virginia 22314.



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



Date