



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

August 30, 2013

Jacqueline Wafula, C.N.A.
21 Canterbury Square #302
Alexandria, Virginia 22304

CERTIFIED MAIL
7196 9008 9111 9194 6667

RE: VA Certificate No.: 1401-085675
Expiration Date: March 31, 2013

Dear Ms. Wafula:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **September 26, 2013, at 2:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may be in violation of an Order of the Board entered October 20, 2011 ("Board's Order").

Specifically:

1. You may be in violation of Term No. 2(b) of the Board's Order, which required you to inform the Board within ten days of the date you began nurse aide practice, or changed employment, or if any interruption in nurse aide practice occurred, in that on your self-report received by the Board on April 6, 2012, you stated that you stopped working at Senior Helpers, Fairfax, Virginia, on January 6, 2012, and by phone you reported you stopped working at Senior Helpers in January 2013, when in fact, you stopped working at Senior Helpers in October 2012.
2. You may be in violation of Term No. 2(c) of the Board's Order, which required you to inform your current and each future nurse aide employer that the Board had placed you on probation and provide them with a copy of the Board's Order, in that you failed to inform Senior Helpers that you were on probation.

3. You may be in violation of Term No. 2(d) of the Board's Order, which required your nurse aide employers, by your direction, to submit quarterly performance evaluations, in that the Board never received any performance evaluations from Senior Helpers.

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

5. You may be in violation of Term No. 2(h) of the Board's Order, which required you to submit quarterly reports beginning December 19, 2011, in that you failed to submit any self report from December 31, 2012, to June 30, 2013, and you 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.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, continuing you on probation with terms, suspension or revocation of your certificate, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by September 19, 2013. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on September 26, 2013. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on September 19, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after September 19, 2013, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4614.

Sincerely,



Brenda Krohn, R.N., M.S.
Deputy Executive Director
Nurse Aide Registry Manager

BK/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
James E. Rutkowski, Adjudication Specialist
Agency Subordinate
Peggy Wood, Monitoring Program Manager
Tonya James, Compliance Case Manager (Case no. 151215)