

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**LAKEYA MARTIN, C.N.A.
Certificate No.: 1401-107205**

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. Lakeya Martin, C.N.A., was not present nor was she 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. Martin 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. Lakeya Martin, C.N.A., was issued Certificate No. 1401-107205 to practice as a nurse aide in Virginia on January 7, 2005. The certificate is scheduled to expire on January 31, 2014.
2. By letter dated August 30, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Martin notifying her that an informal conference would be held on September 26, 2013. The Notice was sent by certified and first class mail to the address of record on file with the Board of Nursing. The Notice sent by certified mail was returned to the Board's office marked "unclaimed." The Notice sent by first class mail was not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Martin and the informal conference

proceeded in her absence.

3. During the course of Ms. Martin's employment with Sunrise Adult Daycare Center, Lynchburg, Virginia, while assigned to care for Resident A from Monday to Friday each week, she falsified the Provider Aide Records of Client A, as follows:

a. From December 2010 to February 2013, Ms. Martin, by her own admission, regularly placed check marks next to personal care activities, indicating the activity had been performed, when in fact, she did little more than watch television each day. Moreover, Ms. Martin regularly left the home of Client A early in order to start a shift at a restaurant although she never documented leaving Client A's home early.

b. From March 2012 to February 2013, Ms. Martin, by her own admission documented working at Client A's home each Monday for eight hours, when, in fact, she was working the day shift at a restaurant.

4. Sunrise Adult Daycare Center terminated Ms. Martin's employment in March 2013 as a result of her falsifying records. Ms. Martin's conduct did not result in harm to the client. Ms. Martin stated to a Department of Health Professions investigator that she was moving to Arizona in June 2013, but she did not give the investigator a city name or address.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(d) and (e) of the Regulations Governing Certified Nurse Aides.

2. Findings of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Neglect pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-107205 of Lakeya Martin to practice as a nurse aide is REVOKED.

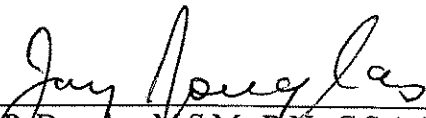
2. The certificate will be recorded as revoked and no longer current.

3. A Finding of Neglect shall be ENTERED against Ms. Martin in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Martin's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).


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.

Since Ms. Martin failed to appear at the informal conference, this Order shall be considered final. Ms. Martin has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Martin has 30 days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD


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

Certified True Copy

By 
Virginia Board of Nursing

Entered: December 6th, 2013