

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: GRACE E. EMAH, R.N.
License No.: 0001-198232**

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 April 8, 2015 in Henrico County, Virginia. Grace E. Emah, R.N. 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 May 20, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Emah 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. Grace Emah, R.N., was issued License No. 0001-198232 to practice professional nursing by the Virginia Board of Nursing on September 14, 2005. Said license is set to expire on June 30, 2016. Ms. Emah's primary state of residence is Virginia.

2. By letter dated March 9, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Emah notifying her that an informal conference would be held on April 8, 2015. The Notice was sent by certified and first class mail to 8416 McKenzie Circle, Manassas, Virginia 20110, the address of record on file with the Board of Nursing. The Notice sent by certified mail was returned to the Board office marked "return to sender/attempted not known/unable to forward." The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Emah and the informal conference proceeded in her absence.

3. By Board Order entered February 12, 2010, Ms. Emah was placed on indefinite probation for not

less than one year of actual nursing employment. This action was based on findings involving medication administration errors and failing to follow a physician's orders. By Board Order entered March 12, 2013, Ms. Emah's license was mandatorily suspended following the revocation of her Maryland nursing license by the Maryland Board of Nursing. Ms. Emah applied for reinstatement of her Virginia license on June 18, 2013.

4. By Board Order entered September 27, 2013, Ms. Emah's license to practice professional nursing was reinstated and she was continued on indefinite probation for a period of not less than two years of actual nursing employment under certain terms and conditions.

5. Term No. 8 of the Board's Order entered September 27, 2013 required Ms. Emah to submit quarterly self-reports to the Board; the first report was due November 26, 2013. The self-reports that were due on November 26, 2013, and December 31, 2013, were not received by the Board until March 5, 2014. The self-report which was due on March 31, 2014, was received on February 28, 2014, and Ms. Emah failed to submit the self-reports that were due June 30, 2014, and September 30, 2014.

6. The Board's Order reinstating Ms. Emah's license also required her to enroll in and successfully complete a nursing refresher course before she would be allowed to resume the practice of nursing. To date, Ms. Emah has not submitted evidence that she has taken the refresher course.

7. Ms. Emah failed to respond to a letter from the Board's Compliance Case Manager dated October 14, 2014, requesting her reasons for not complying with the Board's Order.

CONCLUSIONS OF LAW

Finding of Fact No. 5 constitutes a violation of Term No. 8 of the Board's Order entered September 27, 2013.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Grace E. Emah, R.N. is hereby REPRIMANDED.
2. License No. 0001-198232 of Grace E. Emah, R.N. is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Emah shall petition the Board for reinstatement of her license, an

4. At such time as Ms. Emah shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of nursing. Ms. Emah shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

5. This suspension applies to any multistate privilege to practice professional nursing.

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. Emah failed to appear at the informal conference, this Order shall be considered final. Ms. Emah 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. Emah has thirty (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 (3) days are added to that period.

FOR THE BOARD

for *Aloria Mitchell-Lively*
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: *May 29, 2015*

Certified True Copy

By *G. Emah*
Virginia Board Of Nursing