

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 16, 2013, in Henrico County, Virginia, to receive and act upon the application of Grace E. Emah for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by Order of the Department of Health Professions on March 12, 2013, and to inquire into evidence that Ms. Emah may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on February 12, 2010. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Emah was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Grace E. Emah was issued License No. 0001-198232 to practice professional nursing in the Commonwealth of Virginia on September 14, 2005. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code, by Order of the Department of Health Professions entered on March 12, 2013. Her primary state of residence is Virginia. By Order of the Board entered February 12, 2010, Ms. Emah was placed on indefinite probation for not less than one year of actual nursing employment with terms and conditions, due to findings involving medication administration errors and failing to follow a physician's

orders.

2. Ms. Emah submitted an application for reinstatement of her license to the Board on June 18, 2013.

3. On August 30, 2012, Ms. Emah's license to practice professional nursing in the State of Maryland was revoked due to action taken by the Virginia Board of Nursing. Said revocation formed the basis of the mandatory suspension of Ms. Emah's license.

4. Ms. Emah failed to submit self-reports that were due on March 31 and December 31, 2011, and March 31, June 30, September 30 and December 31, 2012. Ms. Emah testified that she did not send in the reports due to lack of funds.

5. Ms. Emah testified that she has been unable to find employment as a nurse or nurse aide, or employment outside of nursing.

6. Ms. Emah submitted evidence that she completed 21.9 continuing education units.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 4 constitutes a violation of Term No. 6 of the Order entered February 12, 2010.
3. Grace E. Emah has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner with certain restrictions.

ORDER

WHEREFORE, the Virginia Board of Nursing, hereby ORDERS that Grace E. Emah is hereby REPRIMANDED. Further, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, License No. 0001-198232, issued to Grace E. Emah to practice professional nursing in the Commonwealth of Virginia, is hereby REINSTATED on INDEFINITE

PROBATION for not less than two years of actual nursing employment subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After two years of active employment as a professional nurse, Ms. Emah may request that the Board end this probation.
2. Ms. Emah shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Emah shall provide the name and address of each employer to the Board.
3. Ms. Emah shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Emah is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
4. Performance Evaluations shall be sent to the Board, at the direction of Ms. Emah, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.
5. Ms. Emah shall enroll in and successfully complete the Northern Virginia Community College (NOVA) refresher course submitted to the Board at the formal hearing or another Board-approved refresher course and shall not practice until she has provided written evidence to the Board of satisfactory completion of said course and has received permission from the Board to do so.
6. Ms. Emah shall practice nursing only in a structured, supervised employment setting satisfactory to the Board for the first two years after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse, who works the same shift, on the same level of the building, and holds an unrestricted license. For all current nursing employment, and before beginning or

changing nursing employment during this period, Ms. Emah shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

7. Ms. Emah shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

8. Ms. Emah shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

9. The Board shall issue a license marked "Valid in Virginia Only; Probation with Terms."

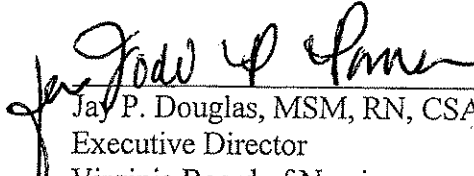
10. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Grace E. Emah and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

11. This Order shall be applicable to Ms. Emah's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Emah may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

12. Ms. Emah shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of Nursing.

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 BOARD



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

September 27, 2013
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy
By 
Virginia Board of Nursing