

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: NIKITA GILKEY, C.N.A.
Certificate No.: 1401-139444

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 August 6, 2013, in Henrico County, Virginia. Nikita Gilkey, C.N.A., was present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 18, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate Ms. Gilkey 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. Nikita Gilkey, C.N.A., was issued Certificate No. 1401-139444 to practice as a nurse aide in Virginia on August 25, 2010. The certificate is scheduled to expire on August 31, 2013.
2. By letter dated July 8, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gilkey notifying her that an informal conference would be held on August 6, 2013. The Notice was sent by certified and first class mail to 80 Gordon Road, Kinsale, Virginia 22488, the address of record on file with the Board of Nursing.
3. During her employment with The Orchard, Warsaw, Virginia, on November 7, 2012, when Resident A tried to leave the activity room, Ms. Gilkey put her foot on his wheelchair and would not let him leave. When Resident A asked Ms. Gilkey to let him go, she laughed and spoke

inappropriately toward Resident A, including making derogatory comments regarding his Indian heritage.

4. At the informal conference, Ms. Gilkey denied the allegations, but acknowledged having anger management and impulse control issues. On March 7, 2013, a charge nurse at The Orchard stated to a Department of Health Professions investigator that she did not witness any other inappropriate behavior by Ms. Gilkey. Ms. Gilkey was employed at The Orchard from January 2011, to November 9, 2012, when her employment was terminated as a result of the above incident. She reported current employment with Mid-Atlantic Health Care in a different setting, providing care to a pediatric patient. Finally, Ms. Gilkey also expressed a desire to eventually become licensed as a professional nurse.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

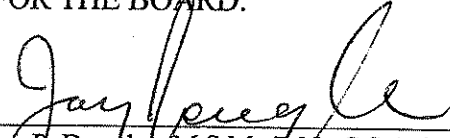
1. Nikita Gilkey, C.N.A., is hereby REPRIMANDED.
2. Ms. Gilkey shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing Certified Nurse Aides.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Gilkey may, not later than 5:00 p.m., on **October 28, 2013**, notify 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, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:


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

ENTERED: September 25th, 2013

This Order shall become final on October 28, 2013; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By _____
Virginia Board of Nursing