

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MYNESH A. JACKSON, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-114021

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Mynesha A. Jackson, who, prior to its mandatory suspension by the Department of Health Professions on February 10, 2009, held Certificate No. 1401-114021, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on July 16, 2013, at 10:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Jackson will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Jackson has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Jackson desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Jackson’s application for reinstatement of her certificate to practice as a nurse aide in Virginia and to inquire into evidence that Ms. Jackson may have violated certain laws and regulations governing nurse aide practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Jackson, as the applicant, to demonstrate that she is capable of resuming safe and competent nurse aide practice in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Jackson's certificate requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Mynasha A. Jackson may be in violation of § 54.1-3007(6) of the Code in that she may be unable to practice safely as a nurse aide due to mental illness, as evidenced by her diagnosis for bipolar II, depression, and attention deficit disorder in February 2013.
2. Ms. Jackson may have violated § 54.1-3007(4) of the Code in that:
 - a. On or about July 3, 2008, in the Circuit Court of Henrico County, Virginia, she was convicted of the following felonies: one count of uttering a forged check; one count of grand larceny; and one count of check forgery. These convictions formed the basis for the mandatory suspension of her nurse aide certificate by the Department of Health Professions.
 - b. On or about October 7, 2004, in the General District Court of Henrico County, Virginia, she was convicted of petit larceny, a misdemeanor involving moral turpitude.
3. Ms. Jackson may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(h) of the Regulations Governing Certified Nurse Aides ("Regulations") in that during the course of her employment with Kanawha Personal Care, Forest Hill Avenue, Richmond, Virginia, on or about January 17, 2008, Ms. Jackson stole the checkbook of Client A, forged Client A's signature on a check, and made the check payable to Meadowwood, Richmond, Virginia. Those actions were the basis for Ms. Jackson's convictions for the felonies listed in Allegation 2(a) above.

4. Ms. Jackson may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations in that during the course of her employment with The Laurels, Richmond, Virginia, on or about November 14, 2008, Ms. Jackson slapped the hand of Resident B and then roughly pushed Resident B.

5. Ms. Jackson may have violated § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations in that on or about May 22, 2008, she provided false information on an application for employment with The Laurels by stating that she left Kanawha Personal Care because of “not enough pay,” when, in fact, Ms. Jackson’s employment with Kanawha Personal Care was terminated.

6. Ms. Jackson may have violated § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations in that:

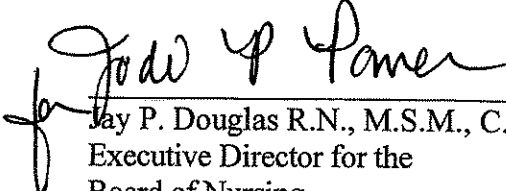
a. On her initial application for certification as a nurse aide in Virginia, dated April 27, 2006, she answered “No” to the question of whether she had pled guilty or been convicted of a felony or misdemeanor, when, in fact, she had been convicted of a misdemeanor as indicated above in Allegation 2(b).

b. On her application for reinstatement of her nurse aide certificate received by the Board on April 2, 2013, Ms. Jackson answered “No” to the question of whether she has ever had action taken against her certificate in a health related field, when, in fact, the Department of Health Professions suspended her certificate to practice as a nurse aide. Ms. Jackson also answered “No” to the question of whether she has a mental, physical, or chemical dependency condition that could interfere with her current ability to practice as a nurse aide, when, in fact, she has been diagnosed with bipolar II, depression, and attention deficit disorder as indicated in Allegation No. 1 above.

If the Board finds that Mynesha A. Jackson is in violation of Allegation Nos. 2(a), 3, and 4 and § 54.1-3007(8) of the Code, the Board shall make a Finding of Abuse and Misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and

(c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit Ms. Jackson's future employment as a certified nurse aide in any long term care facility which receives Medicare or Medicaid reimbursement.

FOR THE BOARD:


Jay P. Douglas R.N., M.S.M., C.S.A.C.
Executive Director for the
Board of Nursing

ENTERED: June 19, 2013