

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

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

**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 July 16, 2013, in Henrico County, Virginia, to receive and act upon Mynesha A. Jackson's application for reinstatement of her certificate to practice as a nurse aide in Virginia, following its mandatory suspension by the Virginia Department of Health Professions on February 10, 2009, and to inquire into evidence that Ms. Jackson may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by James E. Rutkowski, Administrative Proceedings Division. Braden Curtis, Assistant Attorney General, was present as legal counsel for the Board. Ms. Jackson 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. Mynesha A. Jackson was issued Certificate No. 1401-114021 to practice as a nurse aide in the Commonwealth of Virginia on May 25, 2006. Said certificate was mandatorily suspended by the Virginia Department of Health Professions on February 10, 2009. Ms. Jackson submitted an application for reinstatement of her certificate to the Board on April 2, 2013.
2. Ms. Jackson was diagnosed with bipolar II, depression, and attention deficit disorder in February 2013.
3. On July 3, 2008, in the Circuit Court of Henrico County, Virginia, Ms. Jackson was convicted of the following three 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.

4. On October 7, 2004, in the General District Court of Henrico County, Virginia, Ms. Jackson was convicted of petit larceny, a misdemeanor involving moral turpitude.

5. During the course of her employment with Kanawha Personal Care, Forest Hill Avenue, Richmond, Virginia, on 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 Finding of Fact No. 3 above.

6. During the course of her employment with The Laurels, Richmond, Virginia, on November 14, 2008, Ms. Jackson slapped the hand of Resident B and then roughly pushed Resident B. Ms. Jackson's employment was terminated as a result of the incident.

7. On May 22, 2008, Ms. Jackson 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 on February 4, 2008, for stealing checks from Client A as stated in Finding of Fact No. 5 above.

8. On her initial application for certification as a nurse aide in Virginia, dated April 27, 2006, Ms. Jackson 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 Finding of Fact No. 4 above.

9. 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 Finding of Fact No. 2 above.

### CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(6) of the Code.
2. Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(4) of the Code.
3. Finding of Fact No. 5 constitutes a violation of § 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”).
4. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations.
5. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.
6. Findings of Fact Nos. 8 and 9 constitute violations of § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations.
7. Findings of Fact Nos. 3 and 5 and Conclusions of Law Nos. 2 and 3 constitute a finding of misappropriation of patient property and shall be entered in the Virginia Nurse Aide Registry pursuant to 42 C.F.R. 483.156(b)(2) and (c)(1)(iv)(D). According to 42 C.F.R. 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.
8. Finding of Fact No. 6 and Conclusion of Law No. 4 constitute a finding of abuse and shall be entered in the Virginia Nurse Aide Registry pursuant to 42 C.F.R. 483.156(b)(2) and (c)(1)(iv)(D). According to 42 C.F.R. 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.

9. Ms. Jackson has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

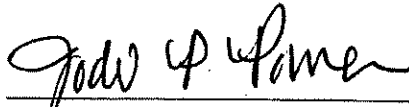
### **ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Mynasha A. Jackson for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing.
2. The right of Ms. Jackson to renew Certificate No. 1401-114021 to practice as a nurse aide in the Commonwealth of Virginia is hereby REVOKED.
3. The certificate will be recorded as REVOKED.
4. A finding of abuse and a finding of misappropriation of patient property shall be ENTERED against Ms. Jackson 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). These findings prohibit Ms. Jackson'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 §§ 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

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

August 2, 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, R.N., M.S.M., C.S.A.C., 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 dsahem  
Virginia Board of Nursing