

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KERRY A. LYNCH, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-133232

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”), Kerry A. Lynch, who, prior to its mandatory suspension by the Virginia Department of Health Professions on January 10, 2013, held Certificate No. 1401-133232 to practice as a nurse aide, 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 2:00 p.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. Lynch will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Lynch 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. Lynch 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. Lynch’s application for reinstatement of her certificate to practice as a nurse aide in Virginia and to inquire into evidence that she 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. Lynch, as the applicant, to demonstrate that she is capable of resuming safe and competent nurse aide practice.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Lynch’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. Kerry A. Lynch, C.N.A., 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 at Brighter Living Assisted Living, Hopewell, Virginia, in June, 2012, she stole Resident A’s debit card and made unauthorized ATM withdrawals and charges of a value of approximately \$850.00.

2. Ms. Lynch may have violated § 54.1-3007(4) of the Code in that on or about December 18, 2012, in the Circuit Court of Colonial Heights, Virginia, Ms. Lynch was convicted of one count of felony credit card theft and one count of felony credit card fraud, based on her theft and use of Resident A’s debit card. This conviction formed the basis of the mandatory suspension of her nurse aide certificate by the Virginia Department of Health Professions.

3. Ms. Lynch may have violated § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations in that on her application for certification by examination as a nurse aide dated on or about September 1, 2009, she answered “no” to the question pertaining to criminal convictions, when, in fact, she had been convicted of the following:

a. On or about March 14, 2005, in the Hopewell, Virginia, General District Court, she was convicted of misdemeanor destruction of property.

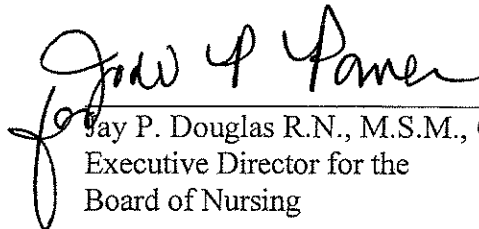
b. On or about April 14, 2008, in the Dinwiddie County, Virginia, General District Court, she was convicted of falsely identifying herself to a law enforcement officer and driving while suspended.

4. Ms. Lynch may have violated § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations in that on her application for employment with Brighter Living Assisted Living, dated April 7, 2011, she falsely indicated that her reason for leaving Lucy Corr Village was “commute closer to home” when, in fact, her employment with Lucy Corr Village had been terminated on May 25, 2010.

Please see Attachment I for the name of the resident referred to above.

If the Board finds that Ms. Lynch, is in violation of Allegation Nos. 1 and 2 and § 54.1-3007(8) of the Code, the Board shall make a finding of 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. Lynch’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