

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JESSICA D. HOGGE, C.N.A.
Certificate No.: 1401-124469

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 May 9, 2013, in Henrico County, Virginia. Jessica D. Hogge, C.N.A., was present and was not represented by legal counsel. Janet B. Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Hogge 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. Jessica D. Hogge, C.N.A., was issued Certificate No. 1401-124469 to practice as a nurse aide in Virginia on May 30, 2008. The certificate is scheduled to expire on May 31, 2014.
2. By letter dated April 4, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Hogge notifying her that an informal conference would be held on May 9, 2013. The Notice was sent by certified and first class mail to 1701 Duntrune Glen, Williamsburg, Virginia 23188, the address of record on file with the Board of Nursing.
3. During the course of her employment with Envoy of Williamsburg, Williamsburg, Virginia, on October 29, 2012, at approximately 9:30 p.m., while walking down the hall, Ms. Hogge saw Resident A sitting on the floor in her room and assumed she had fallen. Ms. Hogge was not assigned to Resident A and reported the matter to her charge nurse, who immediately assisted another nurse aide in getting the resident from the floor onto the bed. Ms. Hogge failed to follow the facility's fall prevention policy and report the incident by calling a

a "Falling Star." On October 30, 2012, during the internal investigation of the resident's swollen arm, Ms. Hogge did not tell the truth and specifically denied having any knowledge of how the injury could have occurred. Ms. Hogge stated that she was following the instructions of her supervisor who instructed her not to tell about resident's fall and did not want to get her in trouble.

4. Ms. Hogge was employed at Envoy of Williamsburg from April 2011 to November 8, 2012, when her employment was terminated due to excessive absenteeism.

5. On January 17, 2013, in the General District Court of Williamsburg-James City County, Virginia, Ms. Hogge was convicted of driving while under the influence, second offense, with a blood alcohol content of more than 0.20. She was sentenced to six months in jail with four months and ten days suspended, and ordered to pay a fine of \$500.00 and a \$50.00 fee to the court for the Trauma Center Fund. Ms. Hogge was also ordered to complete the Virginia Alcohol Safety Action Program ("VASAP"), and had her driver's license suspended for three years. Ms. Hogge stated that she served 44 days in jail and has been attending VASAP for five weeks. Ms. Hogge also stated that she has not consumed alcohol since receiving this conviction and that all drug screens have been negative.

6. On October 17, 2008, in the General District Court of Williamsburg-James City County, Virginia, Ms. Hogge was convicted of driving while under the influence with a blood alcohol content of more than 0.18. She was sentenced to 90 days in jail with 85 days suspended, and ordered to make restitution in the amount of \$100.00 and pay a fine of \$250.00. Ms. Hogge was also ordered to complete the VASAP, had her driver's license suspended for one year, and had an ignition interlock device installed for six months.

7. Ms. Hogge denies alcohol dependency. She indicated that she has learned from the two convictions, and denies her previous "beer drinking" affected her work performance.

8. Ms. Hogge reported that she has been employed at Windsormeade Nursing Home since January 9, 2013, and has not received any disciplinary actions and she had advised them of the Informal Conference with the Board of Nursing.

CONCLUSIONS OF LAW

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

ORDER

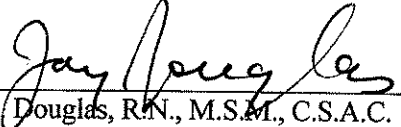
WHEREFORE, it is hereby ORDERED as follows:

1. Jessica D. Hogge, C.N.A., is hereby REPRIMANDED.
2. Ms. Hogge 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. Hogge may, not later than 5:00 p.m., on **August 26, 2013**, notify 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, 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 P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

ENTERED: July 24th, 2013

This Order shall become final on August 26, 2013; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing