

MAY 31 2013  
DHP

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: JOCELYN MONDARES, C.N.A.**  
**Certificate No.: 1401-090161**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Jocelyn Mondares, C.N.A., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Mondares' certificate to practice as a nurse aide in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Jocelyn Mondares, C.N.A., was issued Certificate No. 1401-090161 to practice as a nurse aide by the Virginia Board of Nursing on January 19, 2002. Said certificate is set to expire on January 31, 2014.
2. During the course of her employment as a private duty home health aide, on April 7, 2011, while providing care to Client A:
  - a. Ms. Mondares gave the client something to make her drowsy and placed an incontinence garment on her, although she was not incontinent.
  - b. Ms. Mondares stole jewelry and hair accessories from the client's residence and made an unauthorized international telephone call.
3. During the course of her employment with Right at Home, Manassas, Virginia, on June 30, 2011, Ms. Mondares stole a class ring from Client B.
4. By her own admission to the Department of Health Professions' Investigator:
  - a. Ms. Mondares has borrowed money from clients.
  - b. Ms. Mondares accepted a payment of \$3360 from a client and failed to repay the money when services were not rendered.

5. On September 27, 2012, in the General District Court of Chesapeake, Virginia, Ms. Mondares was convicted of petty larceny, as a result of the theft from Client A's residence cited above.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 2(a) constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides ("Regulations").
2. Findings of Fact No. 2(b) and 3 constitute violations of § 54.1-3007(5) and (8) of the Code.
3. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(h) and (i) of the Regulations.
4. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(4) of the Code.
5. The Board also concludes that Findings of Fact Nos. 2, 3, and 4 and Conclusions of Law Nos. 2 and 3 constitute a Finding of Misappropriation of patient property pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

### CONSENT

Jocelyn Mondares, C.N.A., by affixing her signature hereon, agrees to the following:

1. Ms. Mondares has been advised to seek advice of counsel prior to signing this document;
2. Ms. Mondares acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. Ms. Mondares acknowledges that she has the following rights, among others: the right to an informal fact-finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. Ms. Mondares waives all such right to an informal conference;

5. Ms. Mondares neither admits nor denies to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. Ms. Mondares consents to the entry of the following Order affecting her right to practice as a nurse aide in Virginia.


**ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board ACCEPTS the VOLUNTARY SURRENDER for REVOCATION of Ms. Mondares' certificate to practice as a nurse aide in the Commonwealth of Virginia.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Misappropriation of patient property shall be ENTERED against Ms. Mondares 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). This finding prohibits Ms. Mondares' 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).

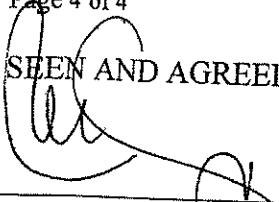
Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

  
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Jane R. Ingalls, R.N., C.M.S., Ph.D.  
President, Virginia Board of Nursing

ENTERED: July 17, 2013

SEEN AND AGREED TO:


  
\_\_\_\_\_  
Jocelyn Mondares, C.N.A.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF \_\_\_\_\_, TO WIT:

Subscribed and sworn to before me, LONGINUS NDUKUBA, a Notary Public, this 26<sup>th</sup> day of May, 2013.

My commission expires 01/14/18.

Registration Number \_\_\_\_\_

  
\_\_\_\_\_  
NOTARY PUBLIC

LONGINUS NDUKUBA  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires January 14, 2018



Certified True Copy

By   
Virginia Board Of Nursing