

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KECIA E. FENTON, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-093613

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 May 23, 2013, in Henrico County, Virginia, to receive and act upon the application of Kecia E. Fenton for reinstatement of her certificate to practice as a nurse aide in Virginia, which was revoked by Order of the Board entered July 31, 2006, and to inquire into evidence that Ms. Fenton may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Fenton 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. Kecia E. Fenton was issued Certificate No. 1401-093613 to practice as a nurse aide in the Commonwealth of Virginia on August 21, 2002. Said certificate was revoked by Order of the Board entered on July 31, 2006.
2. Ms. Fenton submitted an application for reinstatement of her certificate to the Board on October 19, 2012.
3. By Order entered July 31, 2006, Ms. Fenton's nurse aide certificate was revoked for falsifying timesheets during her employment at Care Advantage.

4. By Order entered on November 30, 2006, by the Circuit Court of Chesterfield County, Virginia, Ms. Fenton was convicted of four counts of uttering, a felony. Said conviction was due to her falsifying timesheets. Ms. Fenton was sentenced to ten years incarceration, suspended, placed on probation, and ordered to pay restitution in the amount of \$397.60, which was paid in full on February 8, 2008.

5. Since the revocation of her certificate in 2006, Ms. Fenton was employed as a private patient companion on two occasions. She was initially employed with At Home Care as a contracted temporary employee, from December 2006 through April 2007, and most recently with Public Partnership from June 2010, through January 2013. From April 2007 through December, 2010, Ms. Fenton worked as a dispatcher for a transportation company. If reinstated, Ms. Fenton testified that she would like to work in a home health setting.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(f) of the Regulations Governing Certified Nurse Aides.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.
3. Ms. Fenton has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.


ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that Certificate No. 1401-093613 issued to Kecia E. Fenton to practice as a nurse aide in the Commonwealth of Virginia, be and hereby is REINSTATED.

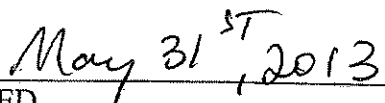
Ms. Fenton shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing Certified Nurse Aides.

Pursuant to §§ 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




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



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 

Virginia Board of Nursing