

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**KECIA E. FENTON, C.N.A.**

**ORDER**

Pursuant to §§ 2.2-4020, 2.2-4021, 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 20, 2006, in Henrico County, Virginia, to receive and act upon evidence that Kecia E. Fenton may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Mykl D. Egan, Adjudication Specialist. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Fenton was not present and was not represented by 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, C.N.A., currently holds Certificate No. 1401-093613 to practice as a Certified Nurse Aide in the Commonwealth of Virginia.
2. Based upon representations of Mykl Egan, Adjudication Specialist, and Commonwealth's Exhibit No.'s 1 and 2, the presiding officer ruled there was adequate notice and the panel of the Board proceeded with the hearing in Ms. Fenton's absence.
3. During the course of her employment at Care Advantage, Richmond, Virginia ("Care Advantage"), Ms. Fenton submitted timesheets to Care Advantage that falsified the number of hours she worked for Patient A. Patient A's primary caregivers had copies of the

timesheets that showed a lower amount of hours worked. Further, the caregivers also stated that their signature and Patient A's signature had been forged on several occasions. These incidents resulted in the termination of Ms. Fenton's employment. Specifically:

- a. For the week ending February 13, 2005, the timesheet submitted to Care Advantage indicated that Ms. Fenton worked fifty-two (52) hours that week, when the caregivers' copy of the time sheet indicated that she worked for three (3) hours.
- b. For the week ending February 20, 2005, the timesheet submitted to Care Advantage indicated that Ms. Fenton worked thirty-three (33) hours that week, when the caregivers' copy of the time sheet indicated that she worked for three (3) hours.
- c. For the week ending March 6, 2005, the timesheet submitted to Care Advantage indicated that Ms. Fenton worked forty-seven (47) hours that week, when the caregivers' copy of the time sheet indicated she worked for forty-five (45) hours.
- d. For the week ending March 13, 2005, one timesheet indicates Ms. Fenton worked thirty-two (32) hours, when, according to the schedule, she did not work on March 8, 2005, which would indicate that she over-billed by twelve (12) hours.
- e. For the week ending March 20, 2005, the timesheet submitted to Care Advantage indicated that Ms. Fenton worked forty-nine (49) hours that week, when the caregivers' copy of the time sheet indicated she worked for thirty-nine (39) hours.
- f. For the week ending March 27, 2005, the timesheet submitted to Care Advantage indicated that Ms. Fenton worked six (6) hours that week, when the caregivers' copy of the time sheet indicated she worked for three (3) hours.

- g. For the week ending April 3, 2005, the timesheet submitted to Care Advantage indicated that Ms. Fenton worked thirty-five (35) hours that week, when the caregivers' copy of the time sheet indicated she worked for thirty-one (31) hours. Further, she submitted additional timesheets to Care Advantage for the same week for an additional ten (10) hours on April 1, and three (3) hours on April 3.
- h. For the week ending April 10, 2005, the timesheet submitted to Care Advantage indicated that Ms. Fenton worked forty-seven (47) hours that week, when the caregivers' copy of the time sheet indicated she worked for forty-two (42) hours.
- i. For the weeks ending January 9 and 16, 2005, while Ms. Fenton did work the hours she billed, she forged Patient A's daughter's signature on her time sheets.

### **CONCLUSIONS OF LAW**

The Board Concludes that:

- 1. Finding of Fact No. 3 (a-i) constitutes a violation of § 54.1-3007(2) and (5) of the Code, and 18 VAC 90-25-100(2)(d) of the Board of Nursing Regulations.

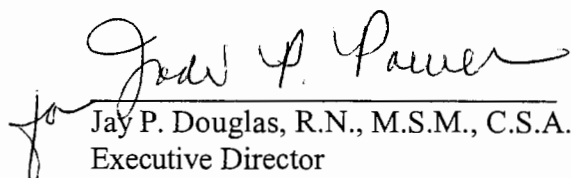
### **ORDER**

WHEREFORE, the Virginia Board of Nursing, 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 REVOKED.

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.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Fenton has thirty (30) days from the service date 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, 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Ms. Fenton actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

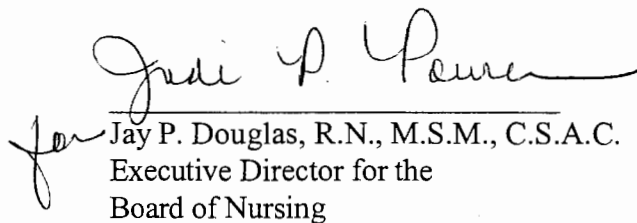
FOR THE BOARD

  
Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director

ENTERED: July 31, 2006

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Kecia E. Fenton at 5602 Melmark Road, Richmond, Virginia, 23225, the address of record on file with the Board of Nursing, and to 3918 Beulah Rd., Richmond, Virginia 23224.

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

DATE July 31, 2006