



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
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Virginia Board of Nursing
Jay P. Douglas, RN, MSM, CSAC
Executive Director

March 15, 2006

Board of Nursing (804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9512

Kecia Endora Fenton, C.N.A.
5602 Melmark Road
Richmond, Virginia 23225

CERTIFIED MAIL
71603901984942331259

RE: Certificate No. 1401-093613
Expiration: 8/31/2006

Dear Ms. Fenton:

This is official notification that an Informal Conference will be held pursuant to §§ 54.1-110, 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), on **April 12, 2006, at 9:00 a.m.**, at the Department of Health Professions, 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230. You may be represented by an attorney at the conference.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing, will inquire into allegations that you may have violated certain laws and regulations governing nurse aide practice in Virginia. Specifically:

1. You may have violated §54.1-3007(2) and (5) of the Code, and 18 VAC 90-25-100(2)(d) of the Board of Nursing Regulations, in that during the course of your employment at Care Advantage, Richmond, Virginia ("Care Advantage"), you submitted timesheets to Care Advantage that falsified the number of hours you worked for Patient A. Patient A's primary care givers (daughter and granddaughter) had copies of the timesheets that showed a lower amount of hours worked. Further, the care givers also stated that their signature and Patient A's signatures had been forged on several occasions. Specifically:

- a. For the week ending February 13, 2005, the timesheet submitted to Care Advantage indicated that you worked fifty-two (52) hours that week, when the care givers' copy of the time sheet indicated that you worked for three (3) hours.
- b. For the week ending February 20, 2005, the timesheet submitted to Care Advantage indicated that you worked thirty-three (33) hours that week, when the care givers' copy of the time sheet indicated that you worked for three (3) hours.
- c. For the week ending March 6, 2005, the timesheet submitted to Care Advantage indicated that you

worked forty-seven (47) hours that week, when the care givers' copy of the time sheet indicated you worked for forty-five (45) hours.

- d. For the week ending March 13, 2005, one timesheet indicates you worked thirty-two (32) hours, when, according to the schedule, you did not work on March 8, 2005, which would indicate that you over-billed by twelve (12) hours.
- e. For the week ending March 20, 2005, the timesheet submitted to Care Advantage indicated that you worked forty-nine (49) hours that week, when the care givers' copy of the time sheet indicated you worked for thirty-nine (39) hours.
- f. For the week ending March 27, 2005, the timesheet submitted to Care Advantage indicated that you worked six (6) hours that week, when the care givers' copy of the time sheet indicated you worked for three (3) hours.
- g. For the week ending April 3, 2005, the timesheet submitted to Care Advantage indicated that you worked thirty-five (35) hours that week, when the care givers' copy of the time sheet indicated you worked for thirty-one (31) hours. Further, you 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 you worked forty-seven (47) hours that week, when the care givers' copy of the time sheet indicated you worked for forty-two (42) hours.
- i. For the weeks ending January 9 and 16, 2004, while you did work the hours you billed, you forged Patient A's daughter's signature on your time sheets.
- j. As a result, you were terminated from your employment.

After the conference, the Committee is authorized to take the following actions:

1. If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;
2. The Committee may place you on probation with such terms as it may deem appropriate;
3. The Committee may reprimand you;
4. The Committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
5. The Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that a suspension or revocation of your certificate may be justified, the Committee may offer you a consent order in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence, and may take any of the actions outlined above. Please inform this office at (804) 662-9075 about whether you intend to appear at the conference at least ten (10) days prior to the scheduled date specified above. Also, please inform the Board office of a telephone number where you may be reached.

If you have any additional documents to be presented to the Committee, please bring five (5) copies of each document with you.

You have the right to information that will be relied upon by the Board in making a decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office.** Also enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws and regulations relating to the practice of nurse aides in Virginia that are cited in this notice.

Sincerely,



Jodi P. Power, R.N., J.D.
Deputy Executive Director
Nurse Aide Registry Manager

JPP/ME/Fenton24NIC
Enclosures

cc: Robert A. Nebiker, Director, Department of Health Professions
Anne Joseph, Deputy Director, Administrative Proceedings Division
Mykl D. Egan, Adjudication Specialist
Leith D. Ellis, Senior Investigator (Case No. 103124)
Committee Members