

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DELSA MICHELLE SALLY, C.N.A.
Certificate Number: 1401-155396
Case Number: 172594

RATIFICATION AND ORDER


On January 25, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Delsa Michelle Sally, C.N.A., was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, 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.

Since Ms. Sally failed to appear at the informal conference, this Order shall be considered final. Ms. Sally has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Sally has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

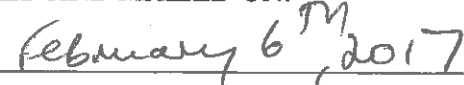
FOR THE BOARD


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

Certified True Copy

By 
Virginia Board Of Nursing

ENTERED AND MAILED ON:


February 6th, 2017

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IN RE: DELSA MICHELLE SALLY, C.N.A.
Certificate Number: 1401-155396
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AMENDED REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Nancy Durrett, R.N., M.S., serving as Agency Subordinate of the Virginia Board of Nursing ("Board"), held an informal conference on November 9, 2016 in Henrico County, Virginia, to inquire into evidence that Delsa Michelle Sally, C.N.A., may have violated certain terms and conditions imposed on her by an Order of the Board entered February 1, 2012 ("Board's Order"), and certain laws governing the practice of certified nurse aides in the Commonwealth of Virginia.

Ms. Sally did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated September 26, 2016, the Board sent a Notice of Informal Conference ("Notice") to Ms. Sally notifying her that an informal conference would be held on November 9, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. On September 29, 2016, Ms. Sally requested that the Postal Service redeliver the Notice sent by certified mail on September 30, 2016. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Sally and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Delsa Michelle Sally, C.N.A., was issued Certificate Number 1401-155396 to practice as a nurse aide on August 30, 2012, which expired on August 31, 2015.
2. By Board's Order entered February 1, 2012, the application of Ms. Sally to practice as a certified nurse aide was approved, and she was placed on indefinite probation for a period of not less than two years of active nurse aide employment. The action was the result of Ms. Sally's substance abuse and extensive criminal history.
3. Delsa Michelle Sally, C.N.A., violated Term Number 2(b) of the Board's Order, which required her to notify the Board within ten days of the date she began nurse aide practice, in that she failed to notify the Board of her employment with All Nurses Care, Richmond, Virginia, until April 14, 2014, when, in fact, her employment began on February 14, 2014.
4. Ms. Sally violated Term Number 2(c) of the Board's Order, which required her to inform each employer that she was on probation and provide them with a copy of the Order, in that Ms. Sally failed provide her employer, All Nurses Care, with a copy of the Order.
5. Ms. Sally violated Term Number 2(d) of the Board's Order, which required her to direct her employer to submit performance evaluations quarterly, in that performance evaluations were not received for the periods ending March 31, 2014, June 30, 2014, September 30, 2014, December 31, 2014, and March 31, 2015.
6. Ms. Sally violated Virginia Code § 54.1-3007(6) and Term Number 2(f) of the Board's Order, which required her to attend one of the following recovery organizations two times per week: Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous, Caduceus recovery support groups or other groups acceptable to the Board, in that Ms. Sally did not submit attendance logs for

October 2014, November 2014, or any month after April 2015. In the log for December 2014, she documented that she attended seven meetings. In the log for April 2015, she documented that she attended one meeting.

7. Ms. Sally violated Term 2(i) of the Board's Order, which required her to submit self-reports quarterly, in that many of the self-reports were received late and the reports due June 30, 2015, September 30, 2015, December 31, 2015, and March 31, 2016, were not submitted to the Board.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Delsa Michelle Sally, C.N.A., is REPRIMANDED.
2. The right of Ms. Sally to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
3. The certificate of Ms. Sally will be recorded as SUSPENDED.
4. Should Ms. Sally, seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Sally to demonstrate that she is safe and competent to return to the practice as a nurse aide. Ms. Sally shall be responsible for any fees that may be required for the reinstatement and/or renewal of the certificate prior to issuance of the certificate to resume practice.

Reviewed and approved on December 13, 2016
By Nancy Durrett, R.N., M.S.
Agency Subordinate