

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: AERIAL Y. JOHNSON, C.N.A.
 Certificate No.: 1401-095112**

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 September 16, 2015, in Henrico County, Virginia, to inquire into evidence that Aerial Y. Johnson, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Johnson 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. Aerial Johnson, C.N.A., holds Certificate No. 1401-095112 to practice as nurse aide in the Commonwealth of Virginia, which was issued on October 26, 2002. Said certificate is scheduled to expire on October 31, 2015.
2. In March and April 2014, Ms. Johnson submitted false invoices for reimbursement to ALFA Insurance Company for healthcare services that she did not perform for multiple clients insured by ALFA via her company, Urbana'e Healthcare Staffing. These invoices totaled more than \$18,000.
3. An investigation by ALFA into these invoices revealed that Ms. Johnson had submitted invoices seeking reimbursement for individuals to whom she was related and with whom she lived.

Ms. Johnson's signature appeared on several of these documents.

4. During her interview with an investigator for the Department of Health Professions, Ms. Johnson could not provide an explanation as to how her signature appeared on the documentation she submitted to ALFA for reimbursement.

5. As of June 2014, Ms. Johnson was employed as a nurse aide with Gayton Terrace Assisted Living.

6. At the hearing, Ms. Johnson testified that the "Aerial Johnson" signatures on the documentation sent to ALFA were not her signature. She could offer no other explanation except that her sister-in-law, who is not licensed as a healthcare professional, provided therapy and handled the billing for Urbana'e.

7. Ms. Johnson also admitted that she did not perform the services that were billed under her name. At the hearing, she testified that she never knew what was going on in the business, but then would testify with knowledge about names, income, and information about the situation with ALFA.

8. Ms. Johnson contradicted herself in her testimony and was unable to satisfactorily address the Board's questions. Further, she told the Board that she had not prepared or seen paperwork that she submitted to the DHP investigator.

9. Ms. Johnson testified that she started Urbana'e in March of 2014 but Urbana'e began entering contracts and billing in December 2013.

CONCLUSIONS OF LAW

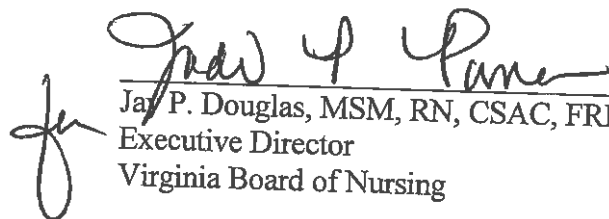
The Board concludes that Findings of Fact Nos. 2 and 3 constitute a violation of 54.1-3007(2) and (5) of the Code, and 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Certificate No. 1401-095112 issued to Aerial Y. Johnson, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED for not less than two years.
 2. The certificate of Ms. Johnson will be recorded as SUSPENDED and no longer current. Should Ms. Gatlin seek reinstatement of her certificate consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her certificate prior to issuance of her certificate to resume practice.
 3. At such time as Ms. Johnson shall petition the Board for reinstatement of her certificate, a hearing will be convened to determine whether she is able to return to safe and competent nurse aide practice.
- 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, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

October 8, 2015
ENTERED

Certified True Copy

By 
Virginia Board Of Nursing

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, MSM, RN, CSAC, FRE, 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.