

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: CYNTHIA GALE BOWMAN MCGRADY, C.N.A.**  
**Certificate Number: 1401-122805**  
**Case Number: 179670**

---

**ORDER**

---

**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on November 15, 2017, in Henrico County, Virginia, to inquire into evidence that Cynthia McGrady, C.N.A., may have violated certain laws governing the practice of nurse aides in the Commonwealth of Virginia.

Cynthia Gale Bowman McGrady, C.N.A., did not appear at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated October 19, 2017, the Board sent a Notice of Formal Hearing ("Notice") to Ms. McGrady notifying her that a formal administrative hearing would be held on November 15, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The USPS website indicates that the certified mail was delivered on October 21, 2017. The Notice sent by first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. McGrady and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

### **FINDINGS OF FACT**

1. On February 7, 2008, the Board issued Certificate Number 1401-122805 to Cynthia Gale Bowman McGrady, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia. Said certificate is scheduled to expire on February 28, 2018. At all times relevant hereto, said certificate was in full force and effect.
2. On February 28, 2017, and March 22, 2017, Ms. McGrady was hospitalized at Southwestern Virginia Mental Health Institute, Marion, Virginia, pursuant to a temporary detention order for suicidal ideation. Her discharge diagnoses included inhalant use disorder and alcohol use disorder.
3. In a written statement dated April 28, 2017, Ms. McGrady's healthcare practitioner reported that she is unable to safely practice and that she should not be in an environment that would allow her potential access to controlled substances and that would require her to provide care to other individuals.
4. Ms. McGrady receives mental health treatment at the Mt. Rogers Community Services Board for major depressive disorder, post-traumatic stress disorder and panic disorder without agoraphobia; however, she does not keep all appointments. On June 2, 2017, her counselor reported that she was not ready to work as a nurse aide.
5. On July 15, 2016, Ms. McGrady's healthcare practitioner ceased writing narcotic prescriptions for her back pain after she tested positive for tramadol (C-IV) for which she did not have a valid prescription and which was a violation of her narcotic contract.

### **CONCLUSIONS OF LAW**

1. Findings of Fact Nos. 2-5 constitute violations of Virginia Code § 54.1-3007(6).

2. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. McGrady's health records or health services.

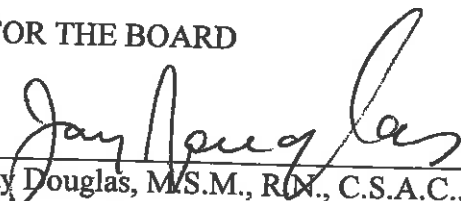
**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The certificate issued to Cynthia Gale Bowman McGrady, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for not less than 1 year.
2. The certificate of Ms. McGrady will be recorded as SUSPENDED.
3. Should Ms. McGrady seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. McGrady to demonstrate that she is safe and competent to return to practice as a nurse aide. Ms. McGrady 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.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

FOR THE BOARD



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

ENTERED AND MAILED ON:

December 6<sup>TH</sup>, 2017

Certified True Copy

By dgraham  
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 Douglas, M.S.M, R.N., C.S.A.C., F.R.E., 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.