

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: OUMIE SABALLY, C.N.A.**  
**Certificate Number: 1401-124968**  
**Case Number: 173782**

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**ORDER**

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**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 13, 2017, in Henrico County, Virginia, to inquire into evidence that Oumie Sabally, C.N.A., may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Oumie Sabally, C.N.A., appeared at this proceeding and was represented by Eileen Talamante, Esquire, and Michael Goodman, Esquire.

**NOTICE**

By letter dated October 18, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Sabally notifying her that a formal administrative hearing would be held on November 13, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

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 June 25, 2008, the Board issued Certificate Number 1401-124968 to Oumie Sabally, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia. Said certificate is scheduled to expire on June 30, 2018. At all times relevant hereto, said certificate was in full force and effect.

2. During the course of her employment at The Hermitage, Richmond, Virginia, on May 4, 2016, while providing care to Resident A, who was diagnosed with dementia and was being resistant to care, Ms. Sabally hit the resident on the arm several times and said, “don’t put your hands on me.” Further, Ms. Sabally failed to intervene when her supervisor, who was assisting her, spoke to Resident A rudely and used profanity towards him.

3. Ms. Sabally’s employment was terminated on May 6, 2016.

4. Ms. Sabally testified that she “tapped” Resident A while telling him not to hit a lady. She told the Board that she was ashamed of her behavior when she saw the video of the interaction.

5. Ms. Sabally has practiced as a certified nurse aide for nine years with no other reported instances of misconduct. She submitted four letters in support of her practice as a nurse aide.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(5).

#### **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 Oumie Sabally, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than one year from the date of entry of this Order.


2. The certificate of Ms. Sabally will be recorded as SUSPENDED.

3. Should Ms. Sabally, seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Sabally to demonstrate that she is safe and competent to return to practice as a nurse aide. Ms. Sabally shall be

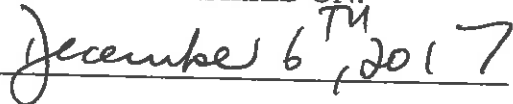
responsible for any fees that may be required for the reinstatement and/or renewal of the certificate prior to issuance of the certificate to resume practice.

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

  
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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

**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.

Certified True Copy

By   
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Virginia Board Of Nursing