

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ALEX JORDAN SAMANIEGO, C.N.A.
Certificate Number: 1401-130819
Case Number: 178507

RATIFICATION AND ORDER


On November 15, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Alex Jordan Samaniego, C.N.A., was not present nor was he 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.

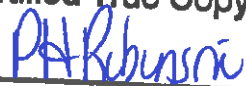
Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Since Mr. Samaniego failed to appear at the informal conference, this Order shall be considered final. Mr. Samaniego 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, Mr. Samaniego has thirty days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay Douglas, MSM, RN, CSAC, FRE, 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.

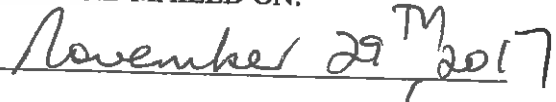
FOR THE BOARD


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:



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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith E. Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing ("Board"), held an informal conference on September 28, 2017 in Henrico County, Virginia, to inquire into evidence that Alex Jordan Samaniego, C.N.A., may have violated certain laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Mr. Samaniego 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 August 30, 2017, the Board sent a Notice of Informal Conference ("Notice") to Mr. Samaniego notifying him that an informal conference would be held on September 28, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The Notice sent by certified mail went unclaimed and was returned to the Board office. 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 Mr. Samaniego and the informal conference proceeded in his absence.

Recommended Findings of Fact and Conclusions of Law

1. Alex Jordan Samaniego, C.N.A., was issued Certificate Number 1401-130819 to practice as a certified nurse aide on June 23, 2009, which expired on June 30, 2017.
2. Mr. Samaniego violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides in that between December 2016 and January 2017, during the course of his employment with Brookdale Bristol Senior Living, Bristol, Virginia, he physically abused Resident A on multiple occasions, as evidenced by the following:
 - a. Video footage from Resident A's room on January 12, 2017 shows Mr. Samaniego dragging Resident A across the room in an aggressive manner and throwing her on the couch. Mr. Samaniego then leans over Resident A and she is heard saying "ow" and "stop."
 - b. Resident A had bruising to her shoulders, rib cage, arms, and neck, as well as a scratch on her face, after the incident on January 12, 2017. Unexplained bruises were also noted by staff on January 5 and January 9, 2017.
 - c. Mr. Samaniego told the Bristol Virginia Police Department that he had "lost it with [Resident A] tonight." He told police officers that on January 12, 2017, in addition to the things that could be seen on video, while in the bathroom, he had hit Resident A in the head with his open hand three times. He also admitted that he had been abusing Resident A for approximately one month.
3. Mr. Samaniego's employment with Brookdale Bristol Senior Living was terminated on January 16, 2017.
4. Mr. Samaniego was convicted on May 25, 2017, in the General District Court of the City of Bristol, Virginia, of abuse or neglect of an incapacitated adult, a misdemeanor. He was sentenced to 12 months in jail, with 8 months suspended.

5. The victim's daughter, who was the source of the complaint to the Department of Health Professions, attended the informal conference.

6. Finding of Fact/Conclusion of Law Number 2 constitutes a finding of Abuse pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

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. The right of Alex Jordan Samaniego, C.N.A., to renew his license to practice as a certified nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Mr. Samaniego will be recorded as REVOKED.
3. A Finding of Abuse shall be ENTERED against Alex Jordan Samaniego, C.N.A., in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.12(a)(3)(ii) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Mr. Samaniego's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.12(a)(3)(ii).

Reviewed and approved on October 27, 2017
By Judith E. Piersall, R.N., B.S.N.
Agency Subordinate