

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DENISE BAXTER, C.N.A.

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on February 5, 2008, in Henrico County, Virginia. Ms. Baxter was present and was not represented by legal counsel. Nancy Durrett, R.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 19, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Baxter was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Denise Baxter, C.N.A., was issued Certificate No. 1401-112459 to practice as a nurse aide in Virginia on January 21, 2006. The certificate expires on January 31, 2010.
2. Ms. Baxter's employment with Interim Healthcare, Fredericksburg, Virginia, was terminated in October 2007, following a patient's report of two tablets missing from his prescription medication, while she was providing care at his home. Ms. Baxter denied taking the medications, stating that she had her own prescription for a recent ankle injury, as evidenced by a prescription profile.
3. On November 8, 2007, in the General District Court of Essex County, Virginia, Ms.

Baxter was convicted of larceny, less than \$200, a misdemeanor. Said conviction resulted from writing a bad check to a retail store. Ms. Baxter was sentenced to 60 days in jail, suspended, and ordered to perform 20 hours of community service, make restitution and pay court costs. Ms. Baxter stated that she has paid half of the money; she still owes \$281 in restitution and court costs, which she plans to pay February 6, 2008.

CONCLUSIONS OF LAW

Finding of Fact #3 constitutes a violation of § 54.1-3007(4) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that Denise Baxter, C.N.A., be, and hereby is, REPRIMANDED.

Ms. Baxter shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

This Order is subject to appeal to the Board. If Ms. Baxter desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

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

Entered: March 28, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Denise Baxter, C.N.A, at 439 Morris Lane, Montross, Virginia 22520.

for Jay P. Douglas
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Board of Nursing

March 28, 2008
DATE

Certified True Copy
By J. Royal 3/28/08
Virginia Board of Nursing