

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DIANAH T. FARRAR, C.N.A. REINSTATEMENT APPLICANT

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 July 23, 2009, in Henrico County, Virginia, to receive and act upon Dianah T. Farrar's application for reinstatement of her certificate to practice as a nurse aide in Virginia and to inquire into evidence that Ms. Farrar may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Farrar was not 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. Dianah T. Farrar, C.N.A., was issued Certificate No. 1401-031409 to practice as a nurse aide in the Commonwealth of Virginia on June 13, 1992. Ms. Farrar's certificate expired on June 30, 2002. Ms. Farrar's right to renew her certificate was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on January 12, 2004.

2. Based upon the representations of Cynthia E. Gaines and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.

3. Ms. Farrar submitted an application for reinstatement of her certificate to the Board on April 15, 2009.

4. Ms. Farrar is unable to safely practice as a nurse aide in the Commonwealth due to substance abuse and mental illness, as evidenced by the following:

a. On February 3, 2009, Ms. Farrar entered into a Participation Contract with the Health Practitioners' Monitoring Program (formerly the Health Practitioners' Intervention Program) where she acknowledged that she may suffer from chemical abuse and or dependency. On June 19, 2009, Ms. Farrar was dismissed from Health Practitioners' Monitoring Program due to her non-compliance with her participation contract.

b. See Attachment A.

c. Ms. Farrar tested positive for cocaine during a court-ordered probation drug screen which resulted in a probation violation and subsequent incarceration.

5. Ms. Farrar provided false information on her application for reinstatement of her certificate to practice as a nurse aide received by the Board on April 15, 2009. Ms. Farrar answered "NO" to the question "Do you have a mental, physical, or chemical dependency condition which could interfere with your current ability to practice as a nurse aide?" when, in fact, Ms. Farrar has an extensive history of substance abuse and mental illness as specified above.

6. As evidenced by a sentencing order dated August 12, 2003, on April 10, 2003, and June 10, 2003, Ms. Farrar was convicted of felony possession of a controlled substance and felony failure to stop at the scene of an accident in the Charlottesville, Virginia, Circuit Court. Additionally, by sentencing order dated on or about October 14, 2008, Ms. Farrar was found in violation of her parole and was sentenced to incarceration based on these felonies and the probation violation.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact No. 4a through 4c constitutes a violation of § 54.1-3007(6) of the Code.

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(1) and (6) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Nurse Aides.
3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(4) of the Code.
4. Ms. Farrar has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

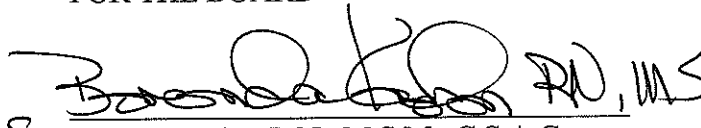
ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application for reinstatement of Certificate No. 1401-031409 issued to Dianah T. Farrar to practice as a nurse aide in the Commonwealth of Virginia, be and hereby is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing.

It is further Ordered that the right of Ms. Farrar to renew Certificate No. 1401-031409 to practice as a nurse aide in the Commonwealth of Virginia is hereby REVOKED.

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, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

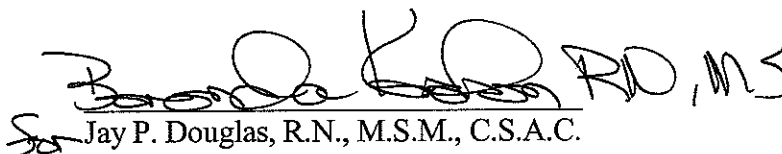
July 28, 2009
ENTERED

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, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, 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.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to Dianah T. Farrar at 907 Page Street, Charlottesville, Virginia 22903.


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

July 28, 2009
DATE