

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           ANGEL L. HOLMES, C.N.A.**  
**Certificate Number: 1401-115762**  
**Case Number: 170658**

**RATIFICATION AND ORDER**

On May 17, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Angel L. Holmes, C.N.A., was present and was not 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.

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

Pursuant to Virginia Code § 54.1-2400(10), Ms. Holmes may, not later than 5:00 p.m., on July 3, 2017, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.


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:

May 31, 2017

This Order shall become final on July 3, 2017, unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**  
By   
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Virginia Board of Nursing

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on March 15, 2017 in Henrico County, Virginia, to inquire into evidence that Angel L. Holmes, C.N.A., may have violated certain laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Ms. Holmes appeared 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 November 9, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Holmes notifying her that an informal conference would be held on December 1, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. Ms. Holmes requested a continuance, which was granted, and by letter dated December 1, 2016, sent by certified and first class mail to the address of record, the Board notified Ms. Holmes that the informal conference had been continued to March 15, 2017.

### **Recommended Findings of Fact and Conclusions of Law**

1. Angel L. Holmes, C.N.A., was issued Certificate Number 1401-115762 to practice as a nurse aide on September 14, 2006, which is scheduled to expire on September 30, 2017. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Angel L. Holmes, C.N.A., 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 during the course of her employment with Eastern State Hospital, Williamsburg, Virginia, on October 4, 2015, she engaged in a physical altercation with a patient and used profanity towards him.

3. The account of several witnesses, which was verified by video footage from a hospital security camera, was that the patient was bothering Ms. Holmes and insisting that she fix his hair for him. The patient came very close to her and threatened her. He pushed Ms. Holmes, and Ms. Holmes put her hands up and pushed back at him. The patient began walking away, and Ms. Holmes came up behind him and pushed him. She then threw down papers that she was carrying and pushed him again from behind. Another patient came up and grabbed the first patient, and Ms. Holmes tried to separate them. Other staff members then came in and separated the patients.

4. At the informal conference, Ms. Holmes denied cursing at the patient and initially denied pushing him from behind. After watching the video two times, Ms. Holmes eventually admitted that she did push the patient from behind after he had walked away from her.

5. Finding of Fact/Conclusion of Law No. 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.

6. Ms. Holmes had been employed at Eastern State for approximately three years. Her employment was terminated as a result of this incident.

7. Ms. Holmes stated at the informal conference that she sees a neurologist for headaches and seizures, which she suffers as the result of a head injury she sustained after being hit on the back of the head by another Eastern State patient. She stated that she sustained another head injury during the current incident. She stated that she also sees a psychiatrist, who has diagnosed her with severe depression and anxiety. The neurologist prescribes Imitrex for her headaches and another medication for seizures (the name of which she could not remember), and her psychiatrist prescribes Adderall, Prozac, Xanax, and Ambien.

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

#### **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 certificate of Angel L. Holmes, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Angel L. Holmes, C.N.A., will be recorded as REVOKED.
3. A Finding of Abuse shall be ENTERED against Angel L. Holmes, C.N.A., in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Holmes' employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

Reviewed and approved on March 27, 2017  
By Jane Elliott, R.N., Ph.D.  
Agency Subordinate

**Certified True Copy**  
By   
**Virginia Board of Nursing**