

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: NICOLE JONES, C.N.A.
Certificate No.: 1401-155639**

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 March 25, 2015, in Henrico County, Virginia, to inquire into evidence that Nicole Jones, C.N.A. may have violated certain laws and regulations governing certified nurse aide practice in Virginia. The case was presented by Amy E. Weiss Adjudication Specialist, Administrative Proceedings Division. James Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Jones was 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. Nicole Jones, C.N.A. was issued Certificate No. 1401-155639 to practice as a certified nurse aide in the Commonwealth of Virginia on September 19, 2012. Said certificate is set to expire on September 30, 2015.
2. During her course of employment with Envoy at the Meadows, Goochland, Virginia, on January 5, 2014, by her own admission, Ms. Jones transferred a resident with the assistance of a fellow C.N.A., without using the Hoyer lift, as the resident's condition required. During the transfer, the resident's leg was caught in the side rail of the bed. Despite the resident's complaint of pain, Ms. Jones did not report the resident's complaint. The resident suffered a fracture of the tibia.
3. As a result of this incident, Ms. Jones' employment with Envoy at the Meadows was terminated on January 9, 2014.

4. As a result of this incident, Ms. Jones was convicted of misdemeanor neglect of an incapacitated adult in the Goochland County, Virginia, Circuit Court on February 6, 2015.

5. In an interview with an investigator for the Department of Health Professions, Ms. Jones stated that she should have used the Hoyer lift to transfer the resident.

6. Ms. Jones admitted that she was familiar with the resident and understood that the resident's condition required a Hoyer lift. Ms. Jones had lifted the resident with and without a Hoyer lift before the incident in Finding of Fact No. 2. Ms. Jones is currently working as a nurse aide at St. Francis Medical Center, Midlothian, Virginia. She did not tell her employer that she was at the formal hearing.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of §54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 2 and Conclusion of Law No. 1 constitute a finding of Neglect pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Certificate No. 1401-155639, issued to Nicole Jones, C.N.A. to practice as a certified nurse aide in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than one year.

2. The certificate of Nicole Jones, C.N.A. will be recorded as SUSPENDED and no longer current. Should Ms. Jones seek reinstatement of her certificate consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her certificate prior to issuance her certificate to resume practice.


3. At such time as Ms. Jones shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice as a certified nurse aide.

4. A finding of neglect shall be ENTERED against Ms. Jones 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. Jones' 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).

5. Since this Finding of Neglect was based on a singular occurrence, Ms. Jones is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

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, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

April 2nd, 2015

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, MSM, RN, CSAC, FRE, 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.