

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: ELIZABETH MARIE ROBERTSON DUNHAM, C.N.A. REINSTATEMENT
APPLICANT
License Number: 1401-123528
Case Number: 174416**

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on December 15, 2016, in Henrico County, Virginia, to receive and act upon Elizabeth Marie Robertson Dunham’s application for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia.

Elizabeth Marie Robertson Dunham did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated November 18, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Dunham notifying her that an informal conference would be held on December 15, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the USPS tracking website, notice of the certified mail package was left at Ms. Dunham’s address of record on November 21, 2016. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Committee Chair concluded that adequate notice was provided to Ms. Dunham and the informal conference proceeded in her absence.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Elizabeth Marie Robertson Dunham was issued Certificate Number 1401-123528 to practice as a nurse aide on March 29, 2008, which was suspended on December 10, 2008.
2. By Order of the Director of the Department of Health Professions entered December 10, 2008, Ms. Dunham's certificate was mandatorily suspended based on findings that on December November 19, 2008 in the Circuit Court for the County of Shenandoah, Virginia, Ms. Dunham was convicted of one felony count of credit card theft and one felony count of credit card fraud. Ms. Dunham submitted an application for reinstatement of her certificate to the Board on October 20, 2011. By Order of the Board entered February 9, 2012, Ms. Dunham's application was denied and her certificate continued on indefinite suspension. Ms. Dunham submitted a new application for reinstatement of her certificate to the Board on April 19, 2016.
3. As the applicant, Ms. Dunham had the burden to demonstrate to the Board that she is safe and competent to practice as a certified nurse aide and she did not appear.
4. Ms. Dunham violated Virginia Code § 54.1-3007(2) and 18 VAC 90-25-100(2)(f) of the Regulations Governing Certified Nurse Aides in that by Order entered February 9, 2012, the Board denied her application for reinstatement of her certificate to practice as a nurse aide, after it was suspended on December 10, 2008.

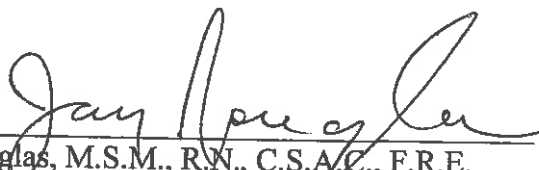
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS that the application of Elizabeth Marie Robertson Dunham for reinstatement of her certificate to practice as a nurse aide is DENIED. Should she petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether Ms. Dunham is able to return to the safe and competent practice as a nurse aide. Ms. Dunham shall be

responsible for any fees that may be required for the reinstatement and/or renewal of the certificate prior to issuance of the certificate to resume practice.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

FOR THE BOARD



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

ENTERED AND MAILED ON:

April 17th, 2017

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Dunham may, not later than 5:00 p.m., on February 21, 2017, notify Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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. This Order shall become final on February 21, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board Of Nursing