

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: ELIZABETH M. ROBERTSON, C.N.A. REINSTATEMENT APPLICANT  
CERTIFICATE NO.: 1401-123528**

**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 January 23, 2012, in Henrico County, Virginia, to receive and act upon the application of Elizabeth M. Robertson for reinstatement of her certificate to practice as a nurse aide in Virginia, which was mandatorily suspended by Order of the Department of Health Professions on December 10, 2008, and to inquire into evidence that Ms. Robertson may have violated certain laws governing nurse aide practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Robertson 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. Elizabeth M. Robertson was issued Certificate No. 1401-123528 to practice as a nurse aide in the Commonwealth of Virginia on March 29, 2008. Said certificate was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on December 10, 2008.
2. Based upon the representations of Tammie D. Jones 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. Elizabeth M. Robertson submitted an application for reinstatement of her certificate to the Board on October 20, 2011. Ms. Robertson is currently living in Texas.

4. On November 12, 2008, in the Circuit Court of Shenandoah County, Virginia, Ms. Robertson was convicted of two counts of credit card theft, a felony. Said conviction formed the basis of the mandatory suspension of Ms. Robertson's certificate to practice as a nurse aide in Virginia. She was sentenced to four years imprisonment with one and a half years suspended. Upon release from incarceration, Ms. Robertson was placed on supervised probation for two years. She was ordered to pay \$785.00 in court costs and ordered to make restitution in the amount of \$343.29.

5. Between 2003-2008, Ms. Robertson was convicted of 16 felonies and was fired from Dutch Haven Assisted Living on November 3, 2011, based upon her failure to disclose an extensive criminal history on her employment application.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.
2. Ms. Robertson 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 as follows:

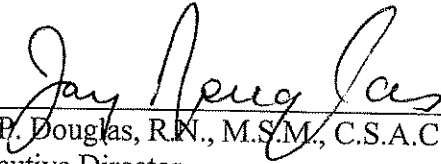
1. The application of Elizabeth M. Robertson for reinstatement of Certificate No. 1401-123528 to practice as a nurse aide in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the certificate of Elizabeth M. Robertson be CONTINUED on INDEFINITE SUSPENSION. At such time as she shall petition the Board for reinstatement of her certificate, a hearing will be

convened to determine whether she is able to return to safe and competent practice as a nurse aide.

2. The certificate shall be recorded as suspended. Should Ms. Robertson 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 of her certificate to resume practice.

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

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

February 9<sup>th</sup>, 2012  
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, 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.