

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: BRYANT HARRIS, C.N.A.**

**Certificate Number: 1401-126684**

**Case Number: 169877**

**RATIFICATION AND ORDER**

On March 22, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Bryant Harris, C.N.A., was not present nor was he 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.

Since Mr. Harris failed to appear at the informal conference, this Order shall be considered final. Mr. Harris has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Harris has thirty days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

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:

*RA*  
April 3, 2017

Certified True Copy



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), Nancy Durrett, R.N., M.S., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on February 8, 2017 in Henrico County, Virginia, to inquire into evidence that Bryant Harris, C.N.A., may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Mr. Harris did not appear 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 January 12, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Mr. Harris notifying him that an informal conference would be held on February 8, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The receipt for the Notice sent via certified mail was signed by Mr. Bryant and returned to the Board office on January 23, 2017. The Notice sent via first-class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Mr. Harris and the informal conference proceeded in his absence.

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

1. Bryant Harris, C.N.A., was issued Certificate Number 1401-126684 to practice as a nurse aide on October 16, 2008, which is scheduled to expire on October 31, 2017. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Mr. Harris 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 his employment with Golden Living Center, Portsmouth, Virginia, on September 15, 2015, Mr. Harris acted aggressively toward Resident A while trying to feed her, slammed her plate on the tray and temporarily denied her access to her beverage when she would not eat.

3. An alert and oriented resident witnessed the incident, which Mr. Harris continually denied. No patient harm occurred.

4. Mr. Harris' five-month employment with Golden Living Center was terminated following the September 2015 incident.

5. Mr. Harris denied the allegation.

6. Mr. Harris violated Virginia Code § 54.1-3007(2) and 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides in that on his September 30, 2015, application for employment with Consulate Healthcare of Norfolk, Virginia, he failed to disclose his previous employments with and terminations from Golden Living Center and from Harbour Pointe Healthcare & Rehabilitation Center, Norfolk, Virginia.

7. 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.

### 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 Bryant Harris, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Bryant Harris, C.N.A., will be recorded as REVOKED.
3. A Finding of Abuse shall be ENTERED against Bryant Harris, 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 Mr. Harris's 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 9, 2017  
By Nancy Durrett, R.N., M.S.  
Agency Subordinate