

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: APRIL DAWN LAWSON, C.N.A.
Certificate Number: 1401-138614
Case Number: 170941

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. April Dawn Lawson, C.N.A., was not present nor was she 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 Ms. Lawson failed to appear at the informal conference, this Order shall be considered final. Ms. Lawson 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, Ms. Lawson has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, 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:

April 3RD, 2017

Certified True Copy

By 

Virginia Board Of Nursing

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

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 April Dawn Lawson, C.N.A., may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Lawson 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 11, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Lawson notifying her 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. Neither the receipt for the Notice sent via certified mail nor the Notice sent via certified mail was returned to the Board office. 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 Ms. Lawson and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. April Dawn Lawson, C.N.A., was issued Certificate Number 1401-138614 to practice as a nurse aide on July 14, 2010, which expired on July 31, 2016.
2. Ms. Lawson 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 Ridgecrest Manor Nursing and Rehabilitation, Duffield, Virginia, on November 17, 2015, Ms. Lawson spoke roughly to and directed profanity toward a resident, telling the resident to “sit down, you little bitch.” Further, Ms. Lawson roughly handled the resident while transferring her to a cot, slamming her down onto it.
3. Three witnesses, including two members of an ambulance crew present to transport the resident, observed Ms. Lawson roughly handling the resident and cursing at her.
4. The incident was investigated and substantiated by the Department of Social Services.
5. Ms. Lawson’s employment with Ridgecrest Manor Nursing and Rehabilitation was terminated.
6. Ms. Lawson did not respond to any of the attempts by the investigator for the Department of Health Professions to contact her.
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 right of April Dawn Lawson, C.N.A., to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.

2. The certificate of April Dawn Lawson, C.N.A., will be recorded as REVOKED.
3. A Finding of Abuse shall be ENTERED against April Dawn Lawson, 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. Lawson'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