

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: Annah Higgs, C.N.A.
 Certificate Number: 1401-160404
 Case Number: 169872**

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), an 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 Annah Higgs, C.N.A., may have violated certain laws and regulations governing the practice of certified nurse aides in Virginia.

Ms. Higgs did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated January 12, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Higgs 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. The Notice sent via certified mail was returned to the Board unclaimed and marked “Return to Sender – Unable to Forward.” 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. Higgs and the informal conference proceeded in her absence.

BOARD’S CONSIDERATION OF AGENCY SUBORDINATE’S RECOMMENDATION

The Board met regarding this matter on March 21, 2017. Ms. Higgs was not present nor was she represented by legal counsel.. In consideration whereof, the Board makes the following Findings of Fact and Conclusions of Law and issues the ORDER contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Annah Higgs, C.N.A., was issued Certificate Number 1401-160404 to practice as a nurse aide on May 30, 2013, which is scheduled to expire on May 31, 2017.

2. Ms. Higgs violated Virginia Code §§ 54.1-3007(5) and (8) in that during the course of her employment with Lynn Care Center, Front Royal, Virginia, on September 4, 2015, Ms. Higgs refused to assist a resident to the bathroom, instructing her instead to use the bathroom in her brief. The resident was alert and oriented and continent of bladder and bowel.

3. Ms. Higgs' employment with Lynn Care Center was terminated.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board Orders as follows:

1. The certificate issued to Annah Higgs, C.N.A., to practice as a certified nurse aide in the Commonwealth of Virginia is **SUSPENDED**.

2. The certificate of Annah Higgs, C.N.A., will be recorded as **SUSPENDED** for not less than one year.

3. Should Annah Higgs, C.N.A., seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Higgs to demonstrate that she is safe and competent to return to practice as a certified nurse aide. Ms. Higgs 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.

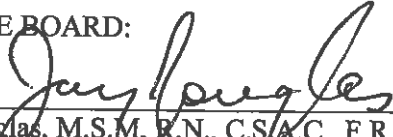
4. A Finding of Neglect shall be **ENTERED** against Annah Higgs, C.N.A., in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Higgs's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

5. Since this Finding of Neglect was based on a singular occurrence, Annah Higgs, C.N.A., 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 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. Higgs failed to appear at the informal conference, this Order shall be considered final. Ms. Higgs 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. Higgs 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 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