

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: GWENDOLYN FELICIA STRICKLAND, C.N.A.

Certificate Number: 1401-068977

Case Number: 171517

RATIFICATION AND ORDER

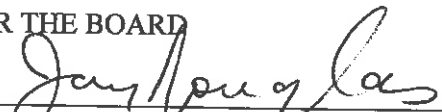
On March 22, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Gwendolyn Felicia Strickland, C.N.A., was not present nor was she represented by legal counsel.

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. Strickland failed to appear at the informal conference, this Order shall be considered final. Ms. Strickland 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. Strickland 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, MSM, RN, CSAC, FRE, 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.

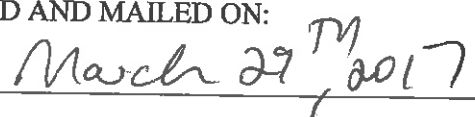
FOR THE BOARD


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

Certified True Copy

By 
Virginia Board Of Nursing

ENTERED AND MAILED ON:


March 29TH, 2017

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: GWENDOLYN FELICIA STRICKLAND, C.N.A.

Certificate Number: 1401-068977

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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), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on January 5, 2017 in Henrico County, Virginia, to inquire into evidence that Gwendolyn Felicia Strickland, C.N.A., may have violated certain laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Ms. Strickland 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 December 14, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Strickland notifying her that an informal conference would be held on January 5, 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 by certified mail was not returned to the Board. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Strickland and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Gwendolyn Felicia Strickland, C.N.A., was issued Certificate Number 1401-068977 to practice as a certified nurse aide on September 27, 1997, which is scheduled to expire on September 30, 2017. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Ms. Strickland 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 (“Regulations”) in that on October 20, 2015, during the course of her employment with Eastern State Hospital, Williamsburg, Virginia, she allowed Resident A, who has been diagnosed with pervasive developmental disorder, borderline personality disorder, and mild mental retardation, and had been placed on Continuous Supportive Observation for self-injurious behaviors, to remove and swallow a metal clip from a chair in her room. This constitutes a Finding of Neglect pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

3. At the time of this incident, Ms. Strickland was assigned to one on one monitoring of this patient.

4. Ms. Strickland told the investigator for the Department of Health Professions that she thought the chair was safe because it had been left in the room with the patient. She did not know the chair had removable parts.

5. The patient required surgery to remove the metal clip which had been swallowed.

6. Ms. Strickland’s employment with Eastern State Hospital was terminated on December 22, 2015.

7. Ms. Strickland has been a certified nurse aide since September 27, 1997, and has not received prior discipline from the Board.

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 issued to Gwendolyn Felicia Strickland, C.N.A., to practice as a certified nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than one year from the date of entry of this Order.

2. The certificate of Gwendolyn Felicia Strickland, C.N.A., will be recorded as SUSPENDED.

3. Should Gwendolyn Felicia Strickland, 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. Strickland to demonstrate that she is safe and competent to return to practice as a certified nurse aide. Ms. Strickland 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 Gwendolyn Felicia Strickland, 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. Strickland'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, Gwendolyn Felicia Strickland, 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.

Reviewed and approved on February 2, 2017
By Jane Elliott, R.N., Ph.D.
Agency Subordinate