

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CASSANDRA DIRICO, C.N.A.
Certificate Number: 1401-150147
Case Number: 172091

RATIFICATION AND ORDER

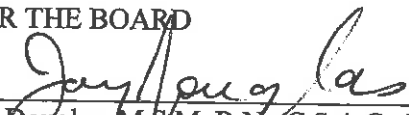
On March 22, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Cassandra Dirico, C.N.A., was not present nor was she represented by legal counsel.

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. Dirico failed to appear at the informal conference, this Order shall be considered final. Ms. Dirico 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. Dirico 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.

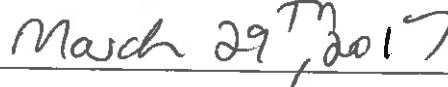
FOR THE BOARD


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

Certified True Copy

By 
Virginia Board Of Nursing

ENTERED AND MAILED ON:



BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CASSANDRA DIRICO, C.N.A.
Certificate Number: 1401-150147
Case Number: 172091

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on January 10, 2017, in Henrico County, Virginia, to inquire into evidence that Cassandra Dirico, C.N.A., may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Dirico 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 7, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Dirico notifying her that an informal conference would be held on January 10, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The certified mail receipt was signed and returned to the Board office. 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. Dirico and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Cassandra Dirico, C.N.A., was issued Certificate Number 1401-150147 to practice as a nurse aide on January 19, 2012, which is scheduled to expire on January 31, 2018. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Ms. Dirico 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 Warm Hearth Village – Cove, Blacksburg, Virginia:

a. On January 5, 2016, while providing care to Resident A, Ms. Dirico used profanity towards the resident, speaking to him in a derogatory manner and telling him that he was a pain in the butt, while handling him in a rough manner. The incident was witnessed by another nurse aide. This finding constitutes a Finding of Abuse pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).

b. In December 2015, Ms. Dirico forcefully pushed Resident A's head forward and roughly jerked him up by the back of his pants while speaking to him in a derogatory manner. The incident was witnessed by a professional nurse. This finding constitutes a Finding of Abuse pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).

3. Ms. Dirico denied the allegations to the facility and to the Department of Health Professions investigator. Her employment was terminated on January 6, 2016.

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 Cassandra Dirico, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.

2. The certificate of Cassandra Dirico, C.N.A., will be recorded as REVOKED.

3. A Finding of Abuse shall be ENTERED against Cassandra Dirico, 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. Dirico'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 February 8, 2017

By Nancy K. Durrett, R.N., M.S.

Agency Subordinate