

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: MELISSA A. GARLAND, C.N.A.**  
**Certificate Number: 1401-156514**  
**Case Number: 171178**

**RATIFICATION AND ORDER**

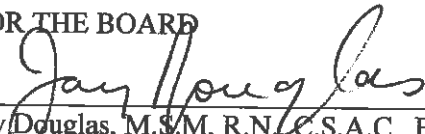
On March 22, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Melissa A. Garland, C.N.A., was not present nor was she represented by legal counsel.

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

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

Certified True Copy

By   
\_\_\_\_\_  
Virginia Board Of Nursing

ENTERED AND MAILED ON:

March 29<sup>th</sup> 2017

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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), Jane Elliott, R.N., PhD., 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 Melissa A. Garland, C.N.A., may have violated certain laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Ms. Garland 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 5, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Garland 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. Garland and the informal conference proceeded in her absence.

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

1. Melissa A. Garland, C.N.A., was issued Certificate Number 1401-156514 to practice as a certified nurse aide on November 7, 2012, which expired on November 30, 2016.
2. Ms. Garland violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-25-100(2)(e), (h) and (i) of the Regulations Governing Certified Nurse Aides (“Regulations”) in that on or about November 30, 2015, Ms. Garland, during the course of her employment with Richfield Living, Salem, Virginia, accepted and cashed a check in the amount of \$800.00 from Resident A to pay her rent. This constitutes a Finding of Misappropriation of patient property pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.
3. During Richfield Living’s investigation into this matter, Ms. Garland admitted, in writing, that she accepted the check from Resident A in order to pay her rent.
4. Ms. Garland’s employment with Richfield Living was terminated on December 4, 2015.
5. Ms. Garland did not respond to the Department of Health Professions investigation into this matter.

### **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 Melissa A. Garland, C.N.A., to renew her certificate to practice as a certified nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Melissa A. Garland, C.N.A., will be recorded as REVOKED.
3. A Finding of Misappropriation of patient property shall be ENTERED against Melissa A. Garland, 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. Garland’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 2, 2017  
By Jane Elliot, R.N., PhD.  
Agency Subordinate