

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TRACY TONETTE MARSH WILLIAMS, C.N.A.

Certificate Number: 1401-073819

Case Number: 174276

RATIFICATION AND ORDER

On January 25, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Tracy Tonette Marsh Williams, 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.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Williams may, not later than 5:00 p.m., on **March 13, 2017**, notify Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Certified True Copy

By 
Virginia Board Of Nursing

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:

January 6th 2017

This Order shall become final on March 13, 2017, unless a request for a formal administrative hearing is received as described above.

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IN RE: TRACY TONETTE MARSH WILLIAMS, C.N.A.
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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 December 1, 2016 in Henrico County, Virginia, to inquire into evidence that Tracy Tonette Marsh Williams, C.N.A., may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Williams appeared 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 November 9, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Williams notifying her that an informal conference would be held on December 1, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Recommended Findings of Fact and Conclusions of Law

1. Tracy Tonette Marsh Williams, C.N.A., was issued Certificate Number 1401-073819 to practice as a nurse aide on July 11, 1998, which is scheduled to expire on July 31, 2017. At all times relevant to the findings herein, said certificate was in full force and effect. Tracy Tonette Marsh

Williams, C.N.A., was also issued Registration Number 0031-007844 to practice as a medication aide on July 7, 2014, which is scheduled to expire on January 31, 2018.

2. Ms. Williams violated Virginia Code § 54.1-3007(2), (5) and (8), 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides in that during the course of her employment with Mayfair House Assisted Living, Portsmouth, Virginia, on February 21, 2016:

a. At approximately 4:30 p.m., Resident A, a 94-year-old resident diagnosed with dementia, grabbed another resident by the arm and would not let go. Ms. Williams intervened and Resident A hit her. Ms. Williams responded by balling her fist up at Resident A in a threatening manner and then hit the resident several times. This 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 a separate incident at approximately 10:09 p.m., Resident A lowered herself onto the floor from her recliner. Ms. Williams used profanity in the presence of the resident and allowed her to lay on the floor for several minutes, while Ms. Williams folded clothes in the other end of the room. Further, Ms. Williams stated, “look at this fool; she is going to stay there until I’m ready to get her up,” or words to that effect. When Ms. Williams assisted the resident off of the floor, she inappropriately pulled Resident A up by her arms to put her in a wheelchair. This 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. Both incidents were captured on video surveillance and were witnessed by another nurse aide in the room at the time.

4. At the informal conference, Ms. Williams stated that she had seen the video, even though she disagrees with what it shows. Ms. Williams admitted to “swatting” and smacking the resident’s hands; however, she did not recall using profanity. She also admitted to talking on her

cellphone and estimated that Resident A was lying on the floor for four to four and one-half minutes. Ms. Williams also verbalized the correct way to lift a resident.

5. On the date of the incidents, Ms. Williams was working in a dual capacity as a nurse aide and as a medication aide. She was hired at Mayfair House Assisted Living on November 20, 2013, and her employment was terminated on February 23, 2016.

6. Ms. Williams is currently employed at Commonwealth Assisted Living – Churchland House and they are not aware of her appearance before 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 of Tracy Tonette Marsh Williams, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.

2. The certificate of Tracy Tonette Marsh Williams, C.N.A., will be recorded as REVOKED.

3. A Finding of Abuse shall be ENTERED against Tracy Tonette Marsh Williams, 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. Williams' 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 January 4, 2017
By Jane Elliott, R.N., Ph.D.
Agency Subordinate