

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHELSEA EDWARDS, C.N.A.
Certificate Number: 1401-162075
Case Number: 169848

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



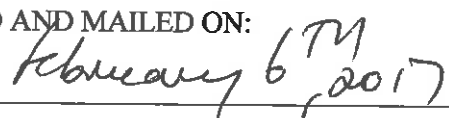
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Certified True Copy

By 

Virginia Board Of Nursing

ENTERED AND MAILED ON:



February 6TH, 2017

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHELSEA EDWARDS, C.N.A.
Certificate Number: 1401-162075
Case Number: 169848

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 Chelsea Edwards, C.N.A., may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Edwards 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 November 9, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Edwards 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. 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. Edwards and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Chelsea Edwards, C.N.A., was issued Certificate Number 1401-162075 to practice as a nurse aide on August 8, 2013, which expired on September 30, 2016. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Ms. Edwards violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-25-100(2)(e) and (i) of the Regulations Governing Certified Nurse Aides (“Regulations”) in that during the course of her employment at Brookdale Senior Living, Harrisonburg, Virginia, on September 15, 2015, Ms. Edwards was playing rap music that contained profane language. Ms. Edwards placed her leg on the thigh of a male resident, who was diagnosed with dementia, and told the resident to rub her leg. Further, Ms. Edwards used profane language to the resident and tried to get him to repeat the words “ass and titties” back to her. When the resident was back in his room later, he appeared confused and agitated, and was trying to repeat the above-referenced words. 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. The incident was witnessed by two staff members. One of the staff members captured the incident by video and photo on her cellphone, which was viewed by management and a Harrisonburg police officer. Ms. Edwards’ employment was terminated on September 24, 2015. Adult Protective Services were notified and on September 29, 2015, determined that the case was founded for abuse/neglect.

4. Ms. Edwards violated Virginia Code § 54.1-3007(7) and 18 VAC 90-25-100(3) of the Regulations in that on March 27, 2015, Ms. Edwards was placed on the West Virginia Nurse Aide Abuse Registry.

5. Ms. Edwards failed to respond to requests for an interview by the Department of Health Professions investigator.

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 Chelsea Edwards, C.N.A., to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Chelsea Edwards, C.N.A., will be recorded as REVOKED.
3. A Finding of Abuse shall be ENTERED against Chelsea Edwards, 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. Edwards' 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