

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CODY WHITE, C.N.A.

Certificate Number: 1401-173453

Case Number: 171953

RATIFICATION AND ORDER

On November 16, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Cody White, C.N.A., was not present nor was he 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 Mr. White failed to appear at the informal conference, this Order shall be considered final. Mr. White 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, Mr. White has thirty days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. 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:

November 23, 2016

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CODY WHITE, C.N.A.
Certificate Number: 1401-173453
Case Number: 171953

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jodi P. Power, R.N., J.D. serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on September 8, 2016 in Henrico County, Virginia, to inquire into evidence that Cody White, C.N.A., may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Mr. White 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 August 10, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Mr. White notifying him that an informal conference would be held on September 8, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The receipts for the Notice sent via certified mail to the address of record on file with the Board and to a secondary address were signed by third parties and returned to the Board office on August 17, 2016, and August 16, 2016, respectively. Neither the Notice sent via first-class mail to the address of record on file with the Board nor to a secondary address were returned to the Board office. Accordingly, the

Agency Subordinate concluded that adequate notice was provided to Mr. White and the informal conference proceeded in his absence.

Recommended Findings of Fact and Conclusions of Law

1. Cody White, C.N.A., was issued Certificate Number 1401-173453 to practice as a nurse aide on May 12, 2015, which is scheduled to expire on May 31, 2017. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Mr. White violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-25-100(2)(h) of the Regulations Governing Certified Nurse Aides in that during the course of his employment with Chase City Health & Rehab Center, Chase City, Virginia, Between December 2015 and January 2016, Mr. White withdrew approximately nine hundred dollars from Resident A's bank account for his personal and unauthorized use by using the resident's debit card after the resident allowed Mr. White access to check the resident's bank balance.

3. Mr. White's employment with Chase City Health & Rehab was suspended on January 13, 2016 upon discovery of the above incident, and subsequently terminated after an eight-month employment.

4. Surveillance camera footage obtained by the Mecklenburg County Sheriff's Office during its investigation into the case showed Mr. White at the automated teller machine at the time of the unauthorized withdrawals. As a result, Mr. White was charged with credit card fraud and receiving goods valued at more than two hundred dollars by fraud in the Mecklenburg County Circuit Court, with trial pending.

5. Mr. White failed to schedule a substantive interview with the investigator for the Department of Health Profession. In April 2016, he stated to the investigator he was "done with being a nurse aide" after this incident.

6. Finding of Fact and Conclusions of Law No. 2 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.

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 Cody White, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Cody White, C.N.A., will be recorded as REVOKED.
3. A Finding of Misappropriation of patient property shall be ENTERED against Cody White, 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 Cody White, C.N.A.,'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 September 29, 2016
By Jodi P. Power
Agency Subordinate