

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MANDIE THURSTON, C.N.A.
Certificate Number: 1401-150973
Case Number: 163777

RATIFICATION AND ORDER

On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mandie Thurston, 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. Thurston failed to appear at the informal conference, this Order shall be considered final. Ms. Thurston 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. Thurston 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 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

Bonnie K. Kiser, RN

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

ENTERED AND MAILED ON:

October 4, 2016

Certified True Copy

By L. Batten
Virginia Board Of Nursing

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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 August 24, 2016 in Henrico County, Virginia, to inquire into evidence that Mandie Thurston, C.N.A. may have violated certain laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Ms. Thurston 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 July 7, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Thurston notifying her that an informal conference would be held on August 24, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. According to the United States Postal Service, the Notice sent by certified mail was delivered on July 12, 2016. 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. Thurston and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Mandie Thurston, C.N.A. was issued Certificate Number 1401-150973 to practice as a nurse aide on March 1, 2012, which is scheduled to expire on March 31, 2017. At all times relevant to the findings herein, said certificate was in full force and effect.
2. Ms. Thurston Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-25-100(2)(a) of the Regulations Governing Certified Nurse Aides in that on or about May 23, 2015, during the course of her employment with Trinity Mission of Rocky Mount, Rocky Mount, Virginia, Ms. Thurston attached Resident A's feeding tube and proceeded with the tube feeding, which was beyond the scope of nurse aide practice and which she did not have training to perform.
3. Ms. Thurston stated to the investigator for the Department of Health Professions, that she attached the resident's feeding tube at the direction of her charge nurse.
4. Resident A was not harmed as a result of Ms. Thurston's actions.
5. Ms. Thurston received a corrective action as a result of her actions.

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. Mandie Thurston, C.N.A., is REPRIMANDED.
2. Ms. Thurston shall comply with all laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Reviewed and approved on August 31, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate