

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: APRIL LEE COLLIER GARRISON, C.N.A.
Certificate Number: 1401-131639
Case Number: 164230

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. April Lee Collier Garrison, 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 § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Garrison's health records or health services.

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




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

ENTERED AND MAILED ON:

Oct 3, 2016

Certified True Copy

By 
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), Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on August 11, 2016 in Henrico County, Virginia, to inquire into evidence that April Lee Collier Garrison, C.N.A. may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Garrison 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 5, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Garrison notifying her that an informal conference would be held on August 11, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. Neither the certified mail nor the certified mail receipt was 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. Garrison and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. April Lee Collier Garrison, C.N.A. was issued Certificate Number 1401-131639 to practice as a nurse aide on July 25, 2009, 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.
2. Ms. Garrison violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides in that during the course of her employment with Beacon Shores Nursing and Rehabilitation Center, Virginia Beach, Virginia, on June 10, 2015, Ms. Garrison grabbed Resident A's arm and removed it from a rail. Further, when Resident A sat on the floor, Ms. Garrison grabbed her from behind and dragged the resident down the hall to her room. 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 resident sustained bruising on her left and right hand and arm.
4. Ms. Garrison's employment was terminated on June 15, 2015.
5. Ms. Garrison failed to respond to the Department of Health Professions' investigator's requests for an interview.

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 April Lee Collier Garrison to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of April Lee Collier Garrison will be recorded as REVOKED.
3. A Finding of Abuse shall be ENTERED against April Lee Collier Garrison 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 April Lee Collier Garrison'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 August 23, 2016
By Nancy K. Durrett, R.N., M.S.
Agency Subordinate