

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LEONA M. BROWN, C.N.A.
Certificate Number: 1401-148965
Case Number: 164288

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. Leona M. Brown, 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. Brown failed to appear at the informal conference, this Order shall be considered final. Ms. Brown 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. Brown 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.

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

Ms. Brown 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. Brown 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. The Notices sent by certified and first class mail were both returned to the Board office marked “unable to forward.” Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Brown and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Leona M. Brown, C.N.A. was issued Certificate Number 1401-148965 to practice as a nurse aide on November 16, 2011, which is scheduled to expire on November 30, 2016.
2. Ms. Brown 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 at Commonwealth Assisted Living at Chesterfield, Richmond, Virginia, on June 21, 2015, Ms. Brown left her assigned unit for an extended period of time, leaving an unsafe staff-to-resident ratio. During Ms. Brown's absence, Resident A fell while attempting to stand and walk unassisted. Upon her return to the unit, Ms. Brown left the resident unattended while waiting for the ambulance to arrive, with no other aides on the unit, and began setting up for dinner. This constitutes a finding of neglect pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).
3. Resident A fractured her femur as a result of the fall.
4. Ms. Brown's employment was terminated on June 23, 2015.

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 issued to Leona M. Brown to practice as a nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than one year from the date of entry of this Order.
2. The certificate of Leona M. Brown will be recorded as SUSPENDED.
3. Should Leona M. Brown seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Leona M. Brown to demonstrate that she is safe and competent to return to practice as a nurse aide. Leona M.

Brown shall be responsible for any fees that may be required for the reinstatement and/or renewal of the certificate prior to issuance of the certificate to resume practice.

4. A Finding of Neglect shall be ENTERED against Leona M. Brown 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 Leona M. Brown'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).

5. Since this Finding of Neglect was based on a singular occurrence, Leona M. Brown is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

Reviewed and approved on August 23, 2016
By Nancy K. Durrett, R.N., M.S.
Agency Subordinate