

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LENA LEEANN BIGELOW, C.N.A.
Certificate Number: 1401-117560
Case Number: 169888

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. Lena Leeann Bigelow, C.N.A. was not present nor was she represented by legal counsel.

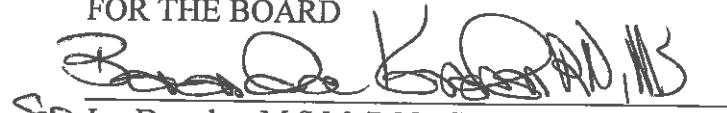
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

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. Bigelow's health records or health services.

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

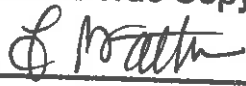


Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

Sept 29, 2016

Certified True Copy

By 

Virginia Board Of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LENA LEEANN BIGELOW, C.N.A.
Certificate Number: 1401-117560
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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), Judith Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on July 12, 2016 in Henrico County, Virginia, to inquire into evidence that Lena Leeann Bigelow, C.N.A. may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Bigelow 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 June 16, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Bigelow notifying her that an informal conference would be held on July 12, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. A United States Postal Service notice for the Notice sent via certified mail was left at the Respondent’s address of record on June 17, 2016. The Notice sent via first-class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Bigelow and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Lena Leeann Bigelow, C.N.A. was issued Certificate Number 1401-117560 to practice as a nurse aide on January 31, 2007, which expired on January 31, 2016. At all times relevant to the findings herein, said certificate was in full force and effect.
2. Ms. Bigelow violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides in that during the course of her employment with The Woodland, Farmville, Virginia, on September 23, 2015, Ms. Bigelow left her shift early without permission or authorization and without ensuring coverage for the residents to whom she was assigned. Further she failed to complete documentation of the care she provided during her shift. This constitutes a finding of Neglect pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.
3. In her interview with the investigator for the Department of Health Professions, Ms. Bigelow denied leaving her shift early without permission.
4. Ms. Bigelow's employment with The Woodland was terminated.
5. Ms. Bigelow violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a nurse aide due to substance abuse and mental illness in that:
 - a. On September 24, 2015, on a for-cause employment rapid drug screen that was not confirmed by subsequent laboratory testing, Ms. Bigelow tested positive for cocaine, morphine/opiates, and benzodiazepines, for which she did not have prescriptions.
 - b. On May 23, 2014, Ms. Bigelow was hospitalized at Richmond Community Hospital pursuant to a temporary detention order following deteriorating mental health, suicidal ideations, and failure to comply with mental health treatment.

c. Ms. Bigelow has diagnoses of major depressive disorder with severe psychotic features, personality disorder, and alcohol and opioid dependence.

6. Ms. Bigelow violated Virginia Code § 54.1-3007(4) in that:

a. On September 8, 2014, Ms. Bigelow was convicted in the General District Court of Prince Edward County, Virginia, of petit larceny, a misdemeanor involving moral turpitude.

b. On August 7, 2012, Ms. Bigelow was convicted in the General District Court of Prince Edward County, Virginia, of shoplifting, a misdemeanor involving moral turpitude.

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 Lena Leeann Bigelow to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than one year from date of entry of this Order.

2. The certificate of Lena Leeann Bigelow will be recorded as SUSPENDED.

3. Should Lena Leeann Bigelow seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Lena Leeann Bigelow to demonstrate that she is safe and competent to return to the practice of a nurse aide. Lena Leeann Bigelow 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 Lena Leeann Bigelow 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 Lena Leeann Bigelow'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, Lena Leeann Bigelow 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 11, 2016
By Judith Piersall, R.N., B.S.N.
Agency Subordinate