

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: Lena Leeann Bigelow, C.N.A.
Certificate Number: 1401-117560
Expiration Date: January 31, 2016
Case Number: 169888

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing (“Board”) regarding your certificates to practice Profession in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board of Nursing.
DATE AND TIME:	July 12, 2016 at 9:00 a.m.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your right to renew your certificate, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBIT:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

1. Deadline for filing exhibits: July 5, 2016. Submit 5 copies of all documents you want the Board to consider to Brenda Krohn, R.N., M.S., Deputy Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Brenda Krohn, R.N., M.S., Deputy Executive Director, at the above address: July 5, 2016. NOTE: the failure to object to exhibits does not deprive you of the right to contest their contents at the proceeding.

OTHER IMPORTANT INFORMATION:

If the Agency Subordinate finds that there is sufficient evidence to find you in violation of the allegation(s) stated below and Virginia Code § 54.1-3007(8), the Agency Subordinate shall recommend that the Board make a finding of abuse, neglect, and/or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit your future employment as a certified nurse aide in any long term care facility that receives Medicare or Medicaid reimbursement.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that:

1. At all times relevant hereto, Lena Leeann Bigelow, C.N.A. was certified to practice as a nurse aide in the Commonwealth of Virginia.
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 or about 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.
3. 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/or mental and/or physical illness in that:
 - a. On or about September 24, 2015, on a rapid drug screen, Ms. Bigelow tested positive for cocaine, morphine/opiates, and benzodiazepines, for which she did not have prescriptions.
 - b. On or about 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.
4. Ms. Bigelow violated Virginia Code § 54.1-3007(4) in that:
 - a. On or about 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 or about August 7, 2012, Ms. Bigelow was convicted in the General District Court of Prince Edward County, Virginia, of shoplifting, a misdemeanor involving moral turpitude.



Brenda Krohn, R.N., M.S.
Deputy Executive Director
Virginia Board of Nursing



Date