

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: Patricia Gail Wibert, C.N.A., R.M.A.
License Number: 1401-129959
Registration No. 0031-006418
Expiration Date: May 31, 2016 (C.N.A.)
August 31, 2016 (R.M.A.)
Case Number: 172824, 171718, 171719, 172824

**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 right to renew your certificate to practice as a nurse aide and your registration to practice as a medication aide 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 10:30 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 medication aide and/or renew your certificate 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 registration to practice as a medication aide and/or your right to renew your certificate to practice as a nurse aide, 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, Patricia Gail Wibert, C.N.A. was certified to practice as a nurse aide and registered to practice as a medication aide in the Commonwealth of Virginia.
2. Ms. Wibert violated Virginia Code § 54.1-3007(2), (5), and (8), 18 VAC 90-25-100(2)(h) of the Regulations Governing Certified Nurse Aides, and 18 VAC 90-60-120(2)(i) of the Regulations Governing the Registration of Medication Aides in that during the course of her employment with Riverdale Assisted Living Facility, on or about January 6, 2016, Ms. Wibert stole two checks from Resident A, forged the resident's signature on one of the checks and attempted to cash the check for \$250.00.
3. Ms. Wibert violated Virginia Code § 54.1-3007(4) in that on or about March 20, 2016, she was convicted in the City of Charlottesville, Virginia, General District Court, of petit larceny, a misdemeanor involving moral turpitude, in connection with her theft of the check referenced in Allegation No. 2.


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


Date