

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: PATRICIA GAIL WIBERT, C.N.A.
Certificate Number: 1401-129959
Case Number: 172824, 171718

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. Patricia Gail Wibert, 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. Wibert failed to appear at the informal conference, this Order shall be considered final. Ms. Wibert 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. Wibert 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



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:

Sept 29, 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), 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 Patricia Gail Wibert, C.N.A. may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Wibert 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. Wibert 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. The receipt for the Notice sent via certified mail was signed by a third party and returned to the Board office on June 22, 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. Wibert and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Patricia Gail Wibert, C.N.A. was issued Certificate Number 1401-129959 to practice as a nurse aide on May 15, 2009, which expired on May 31, 2016. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Ms. Wibert violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-25-100(2)(h) of the Regulations Governing Certified Nurse Aides in that during the course of her employment with Riverdale Assisted Living Facility, Charlottesville, Virginia, on 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 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 the theft of the check referenced in Finding of Fact No. 3. Ms. Wibert pled guilty to the charge.

4. Ms. Wibert did not admit or deny the allegation to the investigator for the Department of Health Professions and stated that she did not want to discuss the allegation until she had an attorney.

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 Patricia Gail Wibert to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.
2. The certificate of Patricia Gail Wibert will be recorded as REVOKED.

3. A Finding of Misappropriation of patient property shall be ENTERED against Patricia Gail Wibert 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 Patricia Gail Wibert'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 11, 2016
By Judith Piersall, R.N., B.S.N.
Agency Subordinate