

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: Avis A. Baker, C.N.A.
Certificate Number: 1401-137978
Case Number: 164371

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. Avis A. Baker, 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. Baker's health records or health services.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Baker may, not later than 5:00 p.m., on **October 31, 2016**, notify Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

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 28, 2016

This Order shall become final on October 31, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: Avis A. Baker, C.N.A.
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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 June 21, 2016 in Henrico County, Virginia, to inquire into evidence that Avis A. Baker, C.N.A. may have violated certain laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Ms. Baker appeared 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 May 23, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Baker notifying her that an informal conference would be held on June 21, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

Recommended Findings of Fact and Conclusions of Law

1. Avis A. Baker, C.N.A. was issued Certificate Number 1401-137978 to practice as a nurse aide on June 16, 2010, which is scheduled to expire on June 30, 2017. At all times relevant to the allegations herein, said certificate was in full force and effect.

2. Avis A. Baker, C.N.A. violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a certified nurse aide due to mental illness, as evidenced by the following:

a. On June 25, 2015, Ms. Baker was admitted to Tucker Pavilion, Chippenham Johnston- Willis Medical Center, Richmond, Virginia, pursuant to a temporary detention order with a provisional diagnosis of paranoid schizophrenia. She was discharged on July 2, 2015 with a diagnosis of schizoaffective disorder.

b. Ms. Baker currently sees a licensed psychologist once a week for treatment of anxiety and bipolar disorder, for which she is prescribed medication. On September 15, 2015, her psychologist stated to the investigator for the Department of Health Professions that it seemed unlikely that Ms. Baker will be able to return to practice as a nurse aide. In a letter dated June 13, 2016, the psychologist wrote that “at the present time, her anxiety level although significantly diminished, remains too high” for Ms. Baker to practice as a certified nurse aide.

3. Ms. Baker has been certified to practice as a nurse aide since 2010, but she has only worked in private duty settings, which have not required a C.N.A. certificate.

4. When speaking to the investigator for the Department of Health Professions on September 17, 2015, Ms. Baker expressed a desire to voluntarily surrender her nurse aide certificate. At the informal conference, Ms. Baker stated that she no longer wished to surrender her certificate and demonstrated a lack of understanding of the process for nurse aide certification and renewal.

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 Avis A. Baker to practice as a certified nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.

2. The certificate of Avis A. Baker will be recorded as SUSPENDED.

3. Should Ms. Baker seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Baker to demonstrate that she is safe and competent to return to the practice as a nurse aide. Ms. Baker 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.

Reviewed and approved on August 25, 2016
By Judith Piersall, R.N., B.S.N.
Agency Subordinate