

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: Aretha R. Cobb, C.N.A.
Certificate Number: 1401-138247
Case Number: 169183

RATIFICATION AND ORDER


On July 20, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Aretha R. Cobb, 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. Cobb failed to appear at the informal conference, this Order shall be considered final. Ms. Cobb 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. Cobb 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



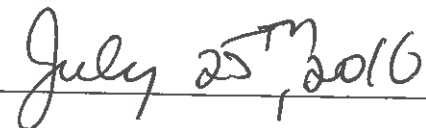
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Certified True Copy

By 

Virginia Board Of Nursing

ENTERED AND MAILED ON:



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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), Nancy Durrett, R.N., M.S., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on April 21, 2016 in Henrico County, Virginia, to inquire into evidence that Aretha R. Cobb, C.N.A. may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Cobb 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 March 24, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Cobb notifying her that an informal conference would be held on April 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. The receipt for the Notice sent via certified mail was signed by a third party and returned to the Board office on March 31, 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.Cobb and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Aretha R. Cobb, C.N.A. was issued Certificate Number 1401-138247 to practice as a nurse aide on June 30, 2010, which is scheduled to expire on June 30, 2016. At all times relevant to the allegations herein, said certificate was in full force and effect.

2. Aretha R. Cobb, C.N.A. violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-25-100(2)(d) and (e) of the Regulations Governing Certified Nurse Aides in that during the course of her employment with Heartland Hospice, Richmond, Virginia, between July 15, 2015, and July 22, 2015, Ms. Cobb failed to make four scheduled home visits to a hospice patient, falsely documented making those visits and submitted falsified progress notes for the patient and falsified signatures on her timesheets. This Finding of Fact 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. Ms. Cobb's employment with Heartland Hospice was terminated. She stated to the investigator for the Department of Health Professions that she had been unemployed since January 2016.

4. Ms. Cobb initially denied the allegation against her but later admitted in an April 4, 2016, letter to the Board that she had not made the home visits.

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 of Aretha R. Cobb to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.

2. The certificate of Aretha R. Cobb will be recorded as REVOKED.

3. A Finding of Neglect shall be ENTERED against Aretha R. Cobb 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 Aretha R. Cobb'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 May 10, 2016
By Nancy Durrett, R.N., M.S.
Agency Subordinate