

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: Cheryl Lucas, C.N.A.
Certificate Number: 1401-149068
Case Number: 171371

RATIFICATION AND ORDER

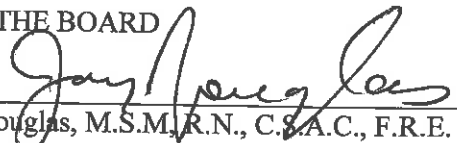
On July 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Cheryl Lucas, C.N.A. was not present nor was she represented by legal counsel.

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(10), Ms. Lucas may, not later than 5:00 p.m., on August 29, 2016, notify Jay P. 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.

Certified True Copy
By 
Virginia Board Of Nursing

FOR THE BOARD

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

ENTERED AND MAILED ON:

July 25th, 2016

This Order shall become final on August 29, 2016, unless a request for a formal administrative hearing is received as described above.

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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 Cheryl Lucas, C.N.A. may have violated certain laws and regulations governing the practice of a nurse aide in the Commonwealth of Virginia.

Ms. Lucas 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 March 24, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Lucas 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.

Recommended Findings of Fact and Conclusions of Law

1. Cheryl Lucas, C.N.A. was issued Certificate Number 1401-149068 to practice as a nurse aide on November 16, 2011, which is scheduled to expire on November 30, 2016. At all times relevant to the allegations herein, said certificate was in full force and effect.

2. Cheryl Lucas, C.N.A. violated Virginia Code § 54.1-3007(5) in that during the course of her employment with Dogwood Village Health and Rehab, Orange, Virginia, on December 25, 2015, Ms. Lucas reported for work while impaired by alcohol.

3. Ms. Lucas stated at the informal conference that she had been celebrating the holidays with friends on December 23 and 24, when she was off duty, and consumed too much alcohol. She stated that she rarely consumed alcohol prior to that incident and had not eaten much food. She stated that she was also dealing with a respiratory illness for which she had taken over-the-counter medication and had not slept well. She stated that she last consumed alcohol about 12 hours before reporting for work.

4. After co-workers observed her exhibiting signs consistent with impairment, Ms. Lucas was sent for a reasonable suspicion breathalyzer test, which recorded a reading of 0.079.

5. There was no evidence that Ms. Lucas has a substance abuse problem. She stated that she has not consumed alcohol since the December 25, 2015, incident.

6. Ms. Lucas' four-year employment with Dogwood Village, during which she had had no disciplinary issues, was terminated.

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. Cheryl Lucas is REPRIMANDED.
2. Cheryl Lucas shall comply with all laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Reviewed and approved on May 10, 2016
By Nancy Durrett
Agency Subordinate