

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: VERNITA ARNETTE WITHERSPOON LEWIS, R.M.A.
Registration Number: 0031-003047
Issue Date: May 28, 2009
Expiration Date: October 31, 2016
Case Number: 163585

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your registration to practice as a medication aide in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board of Nursing.
DATE AND TIME:	May 16, 2016 11:00 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 formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Suspend your registration;
- Revoke your registration.

DEFAULT:

If you fail to appear at the formal hearing, the Board 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 Board will rely in making its 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 distributed to the members of the Board and will be considered by the Board 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 formal hearing.**

FILING DEADLINES:


1. Deadline for filing exhibits: **May 9, 2016**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference must be resubmitted for consideration by the Board at the formal hearing.


2. Deadline for filing motions, including motions for continuance or objections to exhibits, in writing, to Darlene Graham, at the above address: **May 9, 2016**. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that:

1. At all times relevant hereto, Vernita Arnette Witherspoon Lewis, R.M.A. was registered to practice as a medication aide in the Commonwealth of Virginia.
2. Vernita Arnette Witherspoon Lewis, R.M.A. violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-60-110(B)(2) and 18 VAC 90-60-120(2)(a), (e) and (f) of the Regulations Governing the Registration of Medication Aides in that during the course of her employment with Symphony Manor, Richmond, Virginia, on or about May 7, 2015, in the early morning hours, Ms. Lewis failed to report a resident fall to the resident care coordinator, the resident's physician, and/or the resident's family members. Ms. Lewis informed the on-call hospice nurse of her assessment of the resident and of the fall, but told the hospice nurse that the laceration was small, that she had it under control, and that the hospice nurse did not need to report to the facility. Ms. Lewis did not check on the resident the remainder of her shift and told the oncoming medication aide that the resident was fine and did not need to be sent out. Ms. Lewis failed to document the fall or any treatment in the resident's treatment notes, progress notes, or nursing notes. Ms. Lewis also failed to complete an incident report related to the fall and falsely documented that she called the resident's physician, but failed to do so.


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


Date