

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JANET M. M. SILVEOUS, C.N.A.
Certificate No.: 1401-004747

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on March 10, 2016, in Henrico County, Virginia. Ms. Silveous was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 18, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Silveous was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Janet M. M. Silveous, C.N.A. was issued Certificate No. 1401-004747 to practice as a nurse aide in Virginia on March 30, 1989. The certificate is scheduled to expire on March 31, 2016.
2. By letter dated February 10, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Silveous notifying her that an informal conference would be held on March 10, 2016. The Notice was sent by certified and first class mail to 828 Frontier Drive, Bunker Hill, WV 25413, the address of record on file with the Board of Nursing. According to the U.S.P.S. tracking website, the Notice sent by certified mail was delivered on February 19, 2016. The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Silveous and the informal conference proceeded in her absence.

3. During the course of her employment with Rose Hill Golden Living, Berryville, Virginia, on May 16, 2015, Ms. Silveous handled a resident roughly by lifting her up by one arm and dropping her into her wheelchair. Additionally, Ms. Silveous was rude towards the resident and yelled at her.

4. The incident was reported by the resident, who was alert and oriented, and by another C.N.A. who witnessed the incident. During the facility investigation, the C.N.A. told Rose Hill Golden Living staff that the resident was crying and asking for help at the time of the incident.

5. On May 16, 2015, the resident told the Director of Nursing Services that at the time of the incident, she was afraid to ring the call bell because she was afraid Ms. Silveous would come back.

6. As a result of this incident, Ms. Silveous' employment was terminated effective May 19, 2015.

7. During an interview with an investigator for the Department of Health Professions on July 13, 2015, Ms. Silveous denied the allegations.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Abuse pursuant to 42 CFR §483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Certificate No. 1401-004747 of Janet M. M. Silveous, C.N.A. is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Silveous 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 Ms. Silveous' 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).

Pursuant to § 54.1-2400.2 of the Code, 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. Silveous failed to appear at the informal conference, this Order shall be considered final. Ms. Silveous 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. Silveous has thirty (30) 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 (3) days are added to that period.

FOR THE BOARD


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

Entered: May 25, 2016

Certified True Copy

By L. Booth
Virginia Board Of Nursing