

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:                   ANDREA M. HILTON, C.N.A. REINSTATEMENT APPLICANT**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 24, 2011, in Henrico County, Virginia, to receive and act upon Andrea M. Hilton's application for reinstatement of her certificate to practice as a nurse aide in Virginia, which was mandatorily suspended by the Department of Health Professions on June 1, 2010, and to inquire into evidence that Ms. Hilton may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Hilton was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Andrea M. Hilton, C.N.A., was issued Certificate No.1401-121360 to practice as a nurse aide in the Commonwealth of Virginia on October 22, 2007. Said certificate was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on June 1, 2010.
2. Ms. Hilton submitted an application for reinstatement of her certificate which was received by the Board on October 13, 2010.
3. On December 10, 2008, Ms. Hilton pled guilty to and was convicted of grand larceny, a felony, in the Circuit Court of Henrico County, Virginia.

4. On December 15, 2009, Ms. Hilton was convicted of attempted grand larceny, a felony, in the Circuit Court of Henrico County (Henrico Circuit Court”), Virginia.

5. On February 15, 2005, Ms. Hilton pled guilty to and was convicted of misdemeanor larceny, 5<sup>th</sup> degree, in the Enfield, Connecticut, Geographical Area 13 Court.

6. On April 26, 2005, Ms. Hilton pled guilty to and was convicted of misdemeanor larceny, 5<sup>th</sup> degree, and felony failure to appear, 1<sup>st</sup> degree, in the Hartford, Connecticut, Geographical Area 14 Court.

7. On May 15, 2006, Ms. Hilton pled guilty to and was convicted of misdemeanor larceny, 5<sup>th</sup> degree, in the New Britain, Connecticut, Geographical Area 15 Court.

8. On her application for certification by endorsement which was received by the Board on October 2, 2007, Ms. Hilton answered “NO” to the question “Have you ever been convicted, pled guilty to, or pled no contest to the violation of any federal, state, or other law constituting a felony or misdemeanor, including convictions for driving under the influence (DUI) but excluding traffic violations?” when, in fact, Ms. Hilton had several convictions, as evidenced above, prior to submitting her application.

9. Ms. Hilton stated that she has been dependent on illegal controlled substances intermittently since 2003.

10. In December 2009, following her convictions in the Henrico Circuit Court, Ms. Hilton entered into the Henrico County Drug Court Program. With the exception of relapses in April and May, 2010, Ms. Hilton has remained compliant with the program and her probation officer reports that she will likely be released from the program upon completion of Phase Four. Ms. Hilton reports a sobriety date of May 31, 2010.

11. In November, 2010, Ms. Hilton entered into the HomeAgain residential recovery program, Richmond, Virginia. Her HomeAgain case manager testified favorably about Ms. Hilton’s participation and commitment to the program’s goals.

12. Ms. Hilton testified that she is attending community college classes with goals of becoming a

substance abuse counselor and earning a degree in social work.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Findings of Fact Nos. 3 through 7 constitute a violation § 54.1-3007(4) of the Code.
2. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides.

### **ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application for reinstatement of Certificate No. 1401-121360, issued to Andrea M. Hilton to practice as a nurse aide in the Commonwealth of Virginia, be and hereby is DENIED. Further, it is hereby ORDERED that the certificate of Ms. Hilton be CONTINUED on INDEFINITE SUSPENSION. Said suspension shall be STAYED contingent upon the following terms and conditions:

1. Ms. Hilton shall remain in compliance with the terms of her probation under the Henrico Drug Court Program and requirements of the HomeAgain program.
2. Ms. Hilton shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.
3. Ms. Hilton shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of court order probation ends.

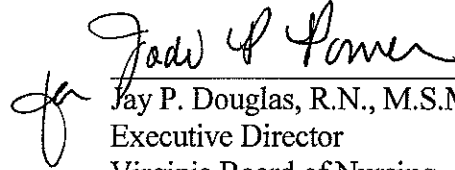
4. At such time as she has completed the Henrico Drug Court Program and HomeAgain, Ms. Hilton may petition the Board for removal of the stayed suspension, and a hearing will be convened.

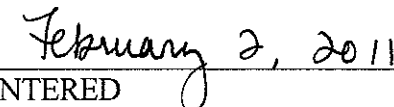
5. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the certificate of Ms. Hilton, and an administrative proceeding shall be held to decide whether her certificate shall be revoked.

6. Ms. Hilton shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

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

  
\_\_\_\_\_  
ENTERED

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.