

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DONNAE S. ELLIOTT, C.N.A.
Certificate No.: 1401-151568

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. Elliott 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. Elliott 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. Donnae S. Elliott, C.N.A. was issued Certificate No. 1401-151568 to practice as a certified nurse aide in Virginia on April 3, 2012. The certificate is scheduled to expire on April 30, 2016.
2. By letter dated February 10, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Elliott notifying her that an informal conference would be held on March 10, 2016. The Notice was sent by certified and first class mail to 11350 Whipkey Drive, Bealeton, Virginia, the address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board office. 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. Elliott and the informal conference proceeded in her absence.
3. During the course of her employment with Fauquier Health Rehabilitation and Nursing Center, Warrenton, Virginia, on May 13, 2015, Ms. Elliott refused to provide proper incontinence care to Resident A and Resident B. Further, Ms. Elliott spoke in a harsh tone to the Resident A and yelled at Resident B.
4. Ms. Elliott denied the allegations throughout the facility investigation and claimed that she had

changed both residents. Ms. Elliott verified the information on the statement she wrote for the facility to an investigator for the Department of Health Professions on October 9, 2015.

5. Both residents were found soaked with urine shortly after Ms. Elliott claimed to have provided incontinence care.

6. Resident A reported the first incident to Fauquier Health Rehabilitation and Nursing Center and told facility staff that she was afraid to receive care from Ms. Elliott. The incident was also witnessed by the Resident A's roommate, who told facility staff that Resident A was crying at the time of the incident.

7. An R.N. witnessed Ms. Elliott yelling at Resident B and reported the incident to the facility.

8. As a result of these incidents, Ms. Elliott's employment with Fauquier Health Rehabilitation and Nursing Center was terminated effective May 18, 2015.

9. Ms. Elliott's employment had previously been suspended on January 20, 2015 for failing to provide incontinence care.

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. 1401-151568 of Donnae S. Elliott, C.N.A. is REVOKED.

2. The certificate will be recorded as revoked and no longer current.

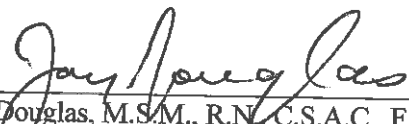
3. A Finding of Abuse shall be ENTERED against Ms. Elliott in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Elliott's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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. Elliott failed to appear at the informal conference, this Order shall be considered final. Ms. Elliott 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. Elliott 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 23RD, 2016

Certified True Copy

By 

Virginia Board Of Nursing