

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: RUBY FRANCES RICHERSON, C.N.A., REINSTATEMENT APPLICANT
Certificate Number: 1401-092120
Case Number: 176334, 168778

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on November 17, 2016, in Henrico County, Virginia, to receive and act upon Ruby Frances Richerson's application for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia.

Ruby Frances Richerson, C.N.A., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated November 2, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Richerson notifying her that a formal administrative hearing would be held on November 17, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. Ruby Francis Richerson, C.N.A. was issued Certificate No. 1401-092120 to practice as a nurse aide by the Virginia Board of Nursing on May 4, 2002. Ms. Richerson’s certificate was mandatorily suspended by Order of the Department of Health Professions entered May 16, 2016. On

June 28, 2016, Ms. Richerson submitted an application for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia.

2. On May 1, 2007, in the Circuit Court of the City of Buena Vista, Virginia, Ms. Richerson was convicted of one felony count of distribution of a Schedule I/II drug. This conviction formed the basis for the mandatory suspension of her nurse aide certificate.

4. Ms. Richerson's employment with Avante of Lynchburg was terminated on July 10, 2015.

5. On Ms. Richerson's October 9, 2015 application for employment with Envoy of Westover Hills, Richmond, Virginia, she falsely indicated that her reason for leaving Avante was that she "found another job," when, in fact, her employment had been involuntarily terminated for being rough and inappropriate with a resident.

6. On Ms. Richerson's July 24, 2015 application for employment with Carrington of Lynchburg, Lynchburg, Virginia, she falsely indicated that her reason for leaving Avante was that she "just quit," when, in fact, her employment had been involuntarily terminated.

7. On Ms. Richerson's January 13, 2010 application for employment with Lucy Corr Village, Chesterfield, Virginia, she falsely answered "No" to the question, "Have you ever been convicted of a felony?"

8. In response to the allegations of making false statements on applications, Ms. Richerson told the Board that the places to which she applied had the opportunity to call her previous employers. She continued to say that she provided the contact information for her former employers, and she believed they would "check up" on her so she did not have to fully disclose her history.

9. Ms. Richerson testified that she has a potential opportunity as a CNA if she receives her certificate. The Board received two letters in support of Ms. Richerson's application.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(4).
2. Findings of Fact Nos. 5 through 7 constitute a violation of Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-25-100(2)(d) of the Regulations.


ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Ruby Frances Richerson, C.N.A., is REPRIMANDED.
2. The Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the proceeding, effective upon entry of this Order, ORDERS that the certificate issued to Ruby Frances Richerson, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is REINSTATED without restriction.
3. Ruby Frances Richerson, C.N.A., shall comply with all laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

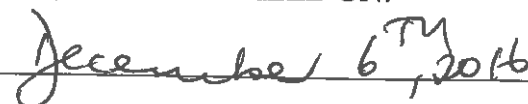
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



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

ENTERED AND MAILED ON:



December 6TH, 2016

Certified True Copy
By 

Virginia Board Of Nursing

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 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. 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.