

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: SAMANTHA WALKER, C.N.A.
Certificate No.: 1401-165915**

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 Virginia Board of Nursing ("Board") on November 4, 2014, in Henrico County, Virginia. Ms. Walker was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Walker 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. Samantha Walker, C.N.A., was issued Certificate No. 1401-165915 to practice as a nurse aide in Virginia on April 10, 2014. The certificate is scheduled to expire on April 30, 2016.
2. By letter dated October 14, 2014, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Walker notifying her that an informal conference would be held on November 4, 2014. The Notice was sent by certified and first class mail to 8600 Glen Myrtle Avenue, Apt. 3102, Norfolk, Virginia 23505, the address of record on file with the Board of Nursing. The certified mail receipt was signed by Ms. Walker. The first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Walker and the informal

conference proceeded in her absence.

3. During her employment at Dominion Village at Chesapeake, Chesapeake, Virginia, on April 27, 2014, by her own admission, while providing care to a resident with dementia, Ms. Walker hit the resident on the back of her head after the resident struck her in the face. The resident was not injured. The incident was observed by another staff member.

4. Ms. Walker's employment was terminated as a result of this incident.

5. Ms. Walker did not respond to the Department of Health Professions investigator's attempts to interview her.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(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. 1401-165915 of Samantha Walker, 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. Walker 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. Walker'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. Walker failed to appear at the informal conference, this Order shall be considered final. Ms. Walker 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. Walker has 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 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: February 2, 2015

Certified True Copy

By 
Virginia Board Of Nursing