

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: VENLINZA OSBORNE, C.N.A.
Certificate No.: 1401-120635**

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 November 12, 2015 in Henrico County, Virginia. Ms. Osborne was present and was not 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 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Osborne was not present nor was she represented by legal counsel. Ms. Osborne submitted written comments/objections.

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. Venlinza Osborne, C.N.A., was issued Certificate No. 1401-120635 to practice as a certified nurse aide in Virginia on August 11, 2007. Said certificate is set to expire on August 31, 2016.
2. By letter dated October 14, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Osborne notifying her that an informal conference would be held on November 12, 2015. The Notice was sent by certified and first class mail to 8755 Smithfield Apt. Lane, Lot 18, Smithfield, Virginia, 23430, the address of record on file with the Board of Nursing.
3. During the course of her employment with Autumn Care of Suffolk, Suffolk, Virginia, on

April 19, 2015, Ms. Osborne pushed a resident's face into the rails of her bed and pulled back on her fingers.

4. On April 20, 2015, an L.P.N. noticed that the resident had a bruise under her right eye. The resident described Ms. Osborne and gave a consistent account of the events to three staff members at the facility. As of June 30, 2015, during an interview with an investigator for the Virginia Department of Health Professions, the resident was still able to recall the events of April 19, 2015.

5. During the investigation and at the informal conference, Ms. Osborne denied that she harmed the resident, but she did acknowledge that she provided care to the resident on April 19, 2015, and was dressed as the resident described.

6. Ms. Osborne's employment with Autumn Care of Suffolk was terminated on April 20, 2015. Since 2009, Ms. Osborne's employment has been terminated by three out of four prior employers.

7. Ms. Osborne is currently employed at Commonwealth Assisted Living, Hampton, Virginia.

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 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. 1401-120635 of Venlinza Osborne, 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. Osborne 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. Osborne'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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Osborne may, not later than 5:00 p.m., on **March 14, 2016**, notify Jay P. 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, in writing that he/she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

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 8th, 2016

This Order shall become final on March 14, 2016; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing