

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: RUBY TATE, C.N.A.
Certificate No. 1401-131228**

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 October 29, 2015, in Henrico County, Virginia. Ruby Tate, C.N.A., R.M.A., 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. Tate 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. Ruby Tate, C.N.A., was issued Certificate No. 1401-131228 to practice as a nurse aide in Virginia on July 14, 2009. The certificate is scheduled to expire on July 16, 2016.
2. By letter dated October 5, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Tate notifying her that an informal conference would be held on October 29, 2015. The Notice was sent by certified and first class mail to 4914 Laurie Lane, Richmond, Virginia 23223, the address of record on file with the Board of Nursing.
3. On May 13, 2015, during the course of her employment with Parkside Assisted Living at Beth Sholom, Richmond, Virginia, Ms. Tate made two videos of Resident A without his knowledge

or permission and shared the videos on social media.

4. Ms. Tate admitted that she took the videos of the resident without his knowledge or permission and posted them on SnapChat. Ms. Tate stated that the video disappeared within 24 hours. Ms. Tate admitted that she took one video in the morning and one at the end of the day. She stated that she likes to document her day at work. She stated that “a lot of people do it.”

5. On May 15, 2015, Ms. Tate’s employment with Parkside Assisted Living at Beth Sholom was terminated.

6. Ms. Tate stated to the Agency Subordinate that she learned in her nurse aide program about HIPAA and how posting patient information on social media was a violation. She stated that she now understands that what she did was wrong, and that she will not do it again.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

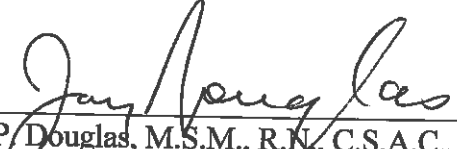
1. Ruby Tate, C.N.A., is hereby REPRIMANDED.
2. Ms. Tate shall maintain a course of conduct in her capacity as a certified nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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. Tate may, not later than 5:00 p.m., on **March 8, 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 4th, 2016

This Order shall become final on March 8, 2016; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board Of Nursing