

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           HANNAH TOPPING, C.N.A.  
                  Certificate No.: 1401-163263**

**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. Hannah Topping, C.N.A., 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 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Topping 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. Hannah Topping, C.N.A., was issued Certificate No. 1401-163263 to practice as a nurse aide in Virginia on October 17, 2013. The certificate expired on October 31, 2015.
2. By letter dated October 5, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Topping notifying her that an informal conference would be held on October 29, 2015. The Notice was sent by certified and first class mail to 67 Lodge Road, Poquoson, Virginia 23662, the address of record on file with the Board of Nursing. According to the United States Postal Service, the Notice sent by certified mail had not been accepted by Ms. Topping as of October 29,

2015. A notice was left by the postal service on October 8, 2015. 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. Topping and the informal conference proceeded in her absence.

3. On January 24, 2015, during the course of her employment with York Convalescent and Rehabilitation Center, Yorktown, Virginia, Ms. Topping spoke harshly to Resident A, stating, “I hate you. I swear, I f-ing hate you,” or words to that effect.

4. Another certified nurse aide reported to the facility staff that she heard the interaction.

5. Ms. Topping denied that she made the comment to the resident during her interview with the investigator for the Department of Health Professions.

6. On January 30, 2015, Ms. Topping’s employment with York Convalescent and Rehabilitation Center was terminated.

#### 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. The right of Hannah Topping to renew Certificate No. 1401-163263 to practice as a nurse aide is REVOKED.

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 The certificate will be recorded as revoked and no longer current.

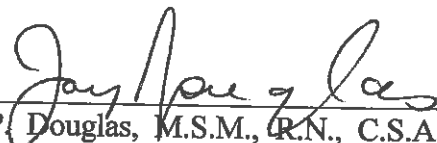
3. A Finding of Abuse shall be ENTERED against Ms. Topping in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).

This finding prohibits Ms. Topping'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. Topping failed to appear at the informal conference, this Order shall be considered final. Ms. Topping 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. Topping 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 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 4<sup>th</sup>, 2016

Certified True Copy

By   
Virginia Board Of Nursing