

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LASHAUNA BARNES, C.N.A.
Certificate No.: 1401-155646**

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. Lashauna Barnes, 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. Barnes 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. Lashauna Barnes, C.N.A., was issued Certificate No. 1401-155646 to practice as a nurse aide in Virginia on September 19, 2012. The certificate expired on September 30, 2015.
2. By letter dated October 5, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Barnes notifying her that an informal conference would be held on October 29, 2015. The Notice was sent by certified and first class mail to Post Office Box 1254, Verona, Virginia 24482, the address of record on file with the Board of Nursing. According to the United States Postal Service website, the Notice sent by certified mail was delivered on October 7, 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. Barnes and the informal conference proceeded in her absence.
3. On February 11, 2015, during the course of her employment with Birch Garden Assisted Living

Facility, Staunton, Virginia, Ms. Barnes cursed at Resident A, and handled her roughly while putting her to bed. Ms. Barnes stated to the resident “Shut up! I am so sick of your sh#t bitch,” or words to that affect.

4. Another certified nurse aide, who was assisting, reported the incident to facility staff.
5. A registered medication aide stated to facility staff and to the investigator for the Department of Health Professions that she had heard Ms. Barnes curse at residents previously.
6. Ms. Barnes did not deny the allegations when questioned by facility staff.
7. Ms. Barnes did not respond to attempts to reach her for an interview with the investigator for the Department of Health Professions.
8. The executive director for the facility stated to the investigator for the Department of Health Professions that Ms. Barnes was a great employee, but there appeared to have been a change in Ms. Barnes’ personal life, which caused Ms. Barnes’ attitude to change.
9. On February 17, 2015, Ms. Barnes’ employment with Birch Garden Assisted Living 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:

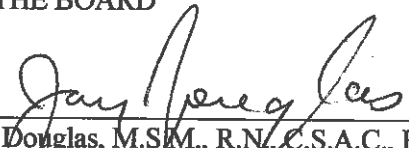
1. The right of Lashauna Barnes, C.N.A. to renew Certificate No. 1401-155646 to practice as a nurse aide is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Barnes in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding

prohibits Ms. Barnes' 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. Barnes failed to appear at the informal conference, this Order shall be considered final. Ms. Barnes 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. Barnes 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 3rd, 2016

Certified True Copy

By 

Virginia Board Of Nursing