

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TERRIS D. McCLOUD, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-126931

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on December 7, 2015, in Henrico County, Virginia, to receive and act upon the application of Terris D. McCloud for reinstatement of her certificate to practice as a nurse aide in Virginia and to inquire into evidence that Ms. McCloud may have violated certain laws and regulations governing nurse aide practice. Ms. McCloud was not present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Terris D. McCloud was issued Certificate No. 1401-126931 to practice as a nurse in the Commonwealth of Virginia on October 31, 2008. Said certificate was suspended by Order of the Board entered on September 20, 2012.
2. By letter dated September 10, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. McCloud notifying her that an informal conference would be held on October 13, 2015. The Notice was sent by certified and first class mail to 103 Willow Street, Lynchburg, Virginia 24503, the address of record on file with the Board of Nursing. The Notice sent by certified mail was returned to the Board marked “unclaimed.” The Notice sent by first class mail was not returned to the Board office. By letter dated October 20, 2015, the Board notified Ms. McCloud that the informal conference was rescheduled and would be held on December 7, 2015. The letter was sent by certified and first class mail to 103 Willow Street, Lynchburg,

Virginia 24503, the address of record on file with the Board of Nursing. The Notice sent by certified mail and the Notice sent by first class mail were not returned to the Board office. The Notice was also sent to 2700 Loraine Street, Lynchburg, Virginia 24504, a secondary address. The Notice sent by certified mail was delivered on October 22, 2015. The Notice sent by first class mail was not returned to the Board office. The Committee Chair concluded that adequate notice was provided to Ms. McCloud and the informal conference proceeded in her absence.

3. Ms. McCloud submitted an application for reinstatement of her certificate to practice as a nurse aide which was received by the Board on March 9, 2015.

4. By Order of the Board entered on September 20, 2012, Ms. McCloud's certificate was indefinitely suspended due to findings of alcohol abuse and driving while under the influence.

5. Ms. McCloud received treatment from a mental health support service specialist at New Hope Support Services, Inc., Lynchburg, Virginia. The therapist reported that Ms. McCloud reported to sessions with alcohol on her breath, and that Ms. McCloud would exhibit a change in demeanor and make vulgar remarks when intoxicated. The therapist referred Ms. McCloud for additional counseling for substance abuse and depression; however, Ms. McCloud failed to follow her recommendation.

6. Ms. McCloud has been receiving oncology treatment at UVA Health System for breast cancer.

7. On February 7, 2012, in the General District Court of Lynchburg, Virginia, Ms. McCloud was convicted of failing to return rental property, a misdemeanor of moral turpitude. She was ordered to pay fines and court costs totaling \$162.00.

8. On the application for reinstatement dated March 5, 2015:

a. Ms. McCloud answered "no" to the question pertaining to criminal convictions, when, in fact, she was convicted as indicated above.

b. Ms. McCloud answered “no” to the question pertaining to action against her certificate, when, in fact, her certificate is currently suspended.

c. Ms. McCloud answered “no” to the question “do you have any mental, physical, or chemical dependency condition which could interfere with your current ability to practice as a nurse aide?” when, in fact, she continues to use alcohol and has failed to seek counseling and treatment for depression as recommended.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 5 and 6 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(4) of the Code.
3. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing the Certification of Nurse Aides.
4. The Committee concludes that Terris D. McCloud has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER


On the basis of the foregoing, the Committee hereby ORDERS that the application of Terris D. McCloud for reinstatement of her certificate to practice as a nurse aide in Virginia is DENIED.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. McCloud may, not later than 5:00 p.m., on **January 26, 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 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 COMMITTEE:



Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: December 23, 2015

This Order shall become final on **January 26, 2016**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 

Virginia Board of Nursing