

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TERRIS D. MCCLOUD, C.N.A.
Certificate No.: 1401-126931

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 12, 2012, in Henrico County, Virginia, to inquire into evidence that Terris D. McCloud, C.N.A., may have violated certain laws governing nurse aide practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Erin L. Barnett, Assistant Attorney General, was present as legal counsel for the Board. Ms. McCloud was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Terris D. McCloud, C.N.A., was issued Certificate No. 1401-126931 to practice as a nurse aide in the Commonwealth of Virginia on October 31, 2008. Said certificate expires on October 31, 2012.
2. Based upon the representations of Tammie Jones and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with The Williams Home, Inc., Lynchburg, Virginia:
 - a. On October 14, 2011, Ms. McCloud reported for her scheduled shift after having recently consumed alcohol. Ms. McCloud submitted to immediate breathalyzer testing which indicated a "positive" presence of alcohol.

b. On September 2, 2011, Ms. McCloud was counseled after the smell of alcohol was detected while she was on duty.

c. Ms. McCloud's employment was terminated on October 14, 2011.

4. On December 5, 2011, in the Lynchburg General District Court, Lynchburg, Virginia Ms. McCloud was found guilty of driving while under the influence, first offense. Said conviction was for an arrest that occurred on September 12, 2011. She was sentenced to 30 days in jail, with 25 days suspended, ordered to complete the Virginia Alcohol Safety Action Program ("VASAP") and to pay fines and court costs totaling \$501.00. As of December 20, 2011, Ms. McCloud had not completed VASAP or paid the fines.

5. During an interview with an investigator from the Department of Health Professions on December 20, 2011, Ms. McCloud reported three employers during the last five years. She was terminated from Guggenheimer Nursing Home and Medical Care Center for "no call, no show." Ms. McCloud also stated that she had filed for medical disability; however, she did not reveal the nature of the disability.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(5) and (6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Certificate No. 1401-126931 issued to Terris D. McCloud, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

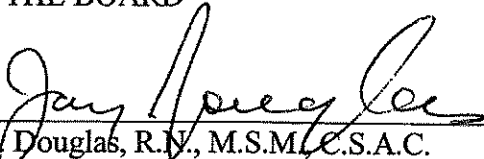
2. The certificate of Terris D. McCloud, C.N.A., will be recorded as SUSPENDED and no longer current. Should Ms. McCloud seek reinstatement of her certificate consistent with this Order, she

shall be responsible for any fees that may be required for the reinstatement of her certificate prior to issuance of her certificate to resume practice.

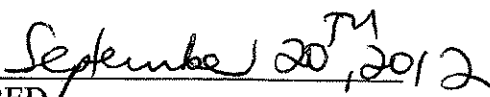
3. At such time as Ms. McCloud shall petition the Board for reinstatement of her certificate, a hearing will be convened to determine whether she is able to return to the safe and competent practice as a nurse aide.

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.

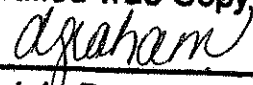
FOR THE BOARD



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



ENTERED

Certified True Copy
By 

Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.