

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KIMBERLY MOORE, C.N.A.
 Certificate No.: 1401-164069**

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 September 29, 2015 in Henrico County, Virginia. Ms. Moore was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 18, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Moore 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. Kimberly Moore, C.N.A., was issued Certificate No. 1401-164069 to practice as a certified nurse aide in the Commonwealth of Virginia on December 4, 2013. Said certificate is set to expire on December 31, 2015.

2. By letter dated August 26, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Moore notifying her that an informal conference would be held on September 29, 2015. The Notice was sent by certified and first class mail to 6617 English Oak Road, Apt. B, Parkville, Maryland, 21234, the address of record on file with the Board of Nursing. According to the USPS online tracking, the Notice sent by certified mail was delivered on August 28, 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. Moore and the informal conference proceeded in her absence.

3. During the course of her employment with Five Star Home Health Care, Fairfax, Virginia, on

December 4, 2014, Ms. Moore left Patient A and Patient B alone in their home, without supervision and without their scheduled care. In addition, Ms. Moore submitted a false time sheet for December 4, 2014, indicating that she had worked from 8:00 a.m. to 8:00 p.m.

4. On December 4, 2015, a registered nurse went to Patient A and Patient B's residence to administer medications. When she arrived, Ms. Moore was not at the home and the nurse reported that she was there approximately 30 minutes before Ms. Moore returned. According to interviews with staff, Ms. Moore indicated that she had left the home because she wanted to get her tire fixed and did not feel that she would be able to do so after her shift.

5. By her own admission, Ms. Moore had her personal mail sent to Patient A and Patient B's residence and a family friend reported that Ms. Moore received mail at the residence following her termination. In addition, following termination of her employment, a family friend reported receiving an email that he perceived to be threatening and Five Star Home Health Care reported that Ms. Moore was instructed to not contact Patient A or Patient B or return to their home, but that she had done so on several occasions.

6. Ms. Moore's employment with Five Star Home Health Care was terminated on December 19, 2014, after approximately one month of employment.

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)(d) and (e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Neglect 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:

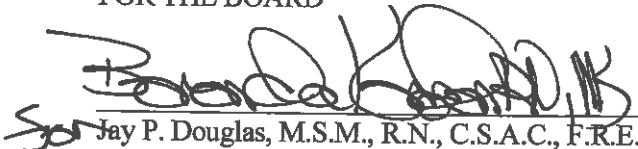
1. Certificate No. 1401-164069 of Kimberly Moore, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Neglect shall be ENTERED against Ms. Moore in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding

prohibits Ms. Moore'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. Moore failed to appear at the informal conference, this Order shall be considered final. Ms. Moore 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. Moore 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 (3) 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: December 3, 2015

Certified True Copy

By 
Virginia Board Of Nursing