

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: NOEMI ESTRADA, C.N.A.  
Certificate No.: 1401-139068**

**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. Estrada 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. Estrada 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. Noemi Estrada, C.N.A., was issued Certificate No. 1401-139068 to practice as a certified nurse aide in the Commonwealth of Virginia on August 4, 2010. Said certificate is set to expire on August 31, 2016.

2. By letter dated August 24, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Estrada notifying her that an informal conference would be held on September 29, 2015. The Notice was sent by certified and first class mail to 141 Stowe Lane, Dry Fork, Virginia, 24549, the address of record on file with the Board of Nursing. The Notice sent by certified mail was returned to the Board office "unclaimed." 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. Estrada and the informal conference proceeded in her absence.

3. During the course of her employment with Stratford House Assisted Living Facility, Danville, Virginia:

a. On February 7, 2014, by her own admission, Ms. Estrada accepted a check for \$800.00 from a resident. During an interview with an investigator for the Virginia Department of Health Professions, Ms. Estrada indicated that she accepted the money to purchase a refrigerator for her own personal use.

b. During December 2014, Ms. Estrada asked the same resident for \$250.00.

4. Shortly after Ms. Estrada asked the resident for \$250.00 for a new stove, the resident reported both the request for the \$250.00 and the \$800.00 check for the refrigerator to facility staff.

5. Ms. Estrada's employment with Stratford House Assisted Living Facility was terminated on December 31, 2015, for misconduct after approximately 18 months of employment.

#### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and (b) constitute a violation of §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(e) and (h) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3(a) and Conclusion of Law No. 1 constitute a finding of Misappropriation of Patient Property 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:

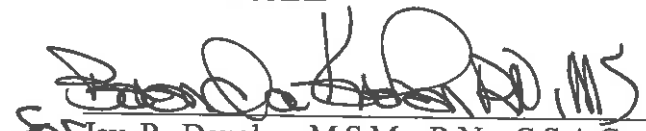
1. Certificate No. 1401-139068 of Noemi Estrada, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.

3. A Finding of Misappropriation of Patient Property shall be ENTERED against Ms. Estrada 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. Estrada'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. Estrada failed to appear at the informal conference, this Order shall be considered final. Ms. Estrada 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. Estrada 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 2, 2015

Certified True Copy

By   
Virginia Board Of Nursing