

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: NENITA RODRIGUEZ, C.N.A.**

**NOTICE OF HEARING**

Pursuant to §§ 2.2-4020, 2.2-4021, and 54.1-2400(11) of the Code of Virginia (1950), as amended, ("Code"), Nenita Rodriguez, C.N.A., is hereby given notice that, pursuant to § 2.2-4024(F) of the Code, a formal administrative hearing will be held in the presence of the Board of Nursing ("Board"), with an Officer of the Board presiding. The hearing will be held on July 19, 2006, at 1:00 p.m., at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia, at which time Ms. Rodriguez will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Rodriguez has the following rights, among others: the right to representation by counsel, the right to have witnesses subpoenaed and to present witnesses on her behalf, the right to present documentary evidence and the right to cross-examine adverse witnesses. If Ms. Rodriguez desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon evidence that Ms. Rodriguez may have violated certain laws and regulations governing nurse aide practice in Virginia, as more fully set forth in the Statement of Particulars below.

**STATEMENT OF PARTICULARS**

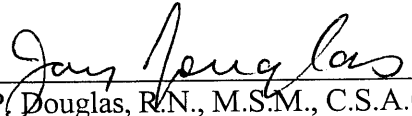
The Board alleges that:

During the course of Ms. Rodriguez's employment at Eastern State Hospital, Williamsburg, Virginia, on or about May 6, 2005, she was in the shower room bathing Resident A, who was incontinent

and had feces on his hands, arms and face. Ms. Rodriguez may have violated § 54.1-3007(2), (5) and (8) of the Code, and 18 VAC 90-25-100(2)(e) of the Board of Nursing Regulations in that she restrained Resident A by placing his arm on the geri-chair and wrapped a towel around the resident's left arm and the arm of the geri-chair. While Ms. Rodriguez was restraining Resident A, the resident took his other hand, which was covered in feces, and grabbed Ms. Rodriguez. Ms. Rodriguez responded by hitting the resident in the face with a wet washcloth. As a result, Ms. Rodriguez was ultimately suspended without pay for three days.

If the Board finds Nenita Rodriguez in violation of the above allegation, § 54.1-3007(8) of the Code and 18 VAC 90-25-100(2)(e) of the Board of Nursing Regulations, the Board may make a finding of abuse, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B) of the federal regulations, such a finding will prohibit Ms. Rodriguez's future employment as a certified nurse aide in any long term care facility, which receives Medicare or Medicaid reimbursement.

FOR THE BOARD

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

ENTERED: June 26<sup>th</sup>, 2006