

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: CHRISTINA RIVERS, C.N.A.
 Certificate No.: 1401-050251**

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 July 16, 2015 in Henrico County, Virginia, to inquire into evidence that Christina Rivers, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Wendy Deaner, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Rivers was present and was represented by Michael Goodman, Esquire, and Eileen Talamante, Esquire. 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. Christina Rivers, C.N.A., was issued Certificate No. 1401-050251 to practice as a certified nurse aide in Virginia on February 11, 1995. Said certificate is set to expire on February 28, 2015.
2. During the course of her ownership of, and practice as a nurse aide with, Rivers Adult Home, Powhatan, Virginia, between April 6, 2013 and August 28, 2013:
 - a. While under Ms. Rivers' care and as a result of her recommendation, a geriatric-chair was used for Resident A, without a physician's order.
 - b. Ms. Rivers failed to inform the resident's physician about a significant change in the resident's health status. During an interview with a Virginia Department of Health Professions ("DHP") investigator she indicated that over time she saw a change and a decline in the resident's health.

3. At the formal hearing, Ms. Rivers testified that at the time Resident A entered the facility, he walked through the door and was an appropriate candidate for the home. However, Ms. Rivers testified that she noted that Resident A had declined and that he sometimes did not want to get out of the bed. The LPN who assessed Resident A on September 6, 2014, told the DHP investigator that she spoke with Ms. Rivers on the phone and Ms. Rivers agreed with the assessment and that there was a change in the required level of care for Resident A.

4. At the formal hearing, Ms. Rivers testified that she did not order the geri-chair or see Resident A in the geri-chair. This contradicted her statements to the DHP investigator that she ordered the geri-chair for resident A because it was a comfortable way for him to lay back and watch TV. At the hearing, Ms. Rivers stated that she suggested the geri-chair, but that she did not order it.

5. Much of Ms. Rivers' testimony at the formal hearing and her statements made to the DHP investigator contradicted each other.

6. The resident was admitted to Henrico Doctor's Hospital, Richmond, Virginia, on September 7, 2013. Due to the patient's overall poor prognosis he was discharged home to receive hospice care. The resident passed away on October 10, 2013.

7. The family of the resident indicated in a written note concerning their complaints about Rivers Adult Home that they were not informed of the resident's bedsores until three days prior to his admission to the hospital. They also indicated that they felt as if his diapers were not changed as often as they should have been and that he was left in a chair for long periods of time.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2(a) constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(a) of the Regulations Governing Certified Nurse Aides ("Regulations").
2. Finding of Fact No. 2(b) constitutes a violation of §54.1-3007(5) and (8) of the Code.


ORDER

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

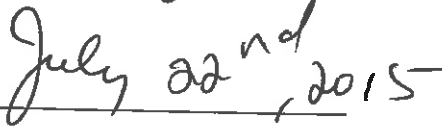
1. Christina Rivers, C.N.A., is hereby REPRIMANDED.
2. Ms. Rivers shall provide the Board with verification that she has completed the Department of Social Services, 40-hour Direct Care Course within 90 days of the entry of this Order.
3. Ms. Rivers shall maintain a course of conduct in her capacity as a certified nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of certified nurse aides in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the certificate of Ms. Rivers and an administrative proceeding shall be convened to determine whether such certification shall be suspended or revoked.

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, MSM, RN, CSAC, FRE
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, MSM, RN, CSAC, FRE, 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.