

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: GLORIA J. LINDSAY, C.N.A.
Certificate No.: 1401-001741

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 July 28, 2015, in Henrico County, Virginia. Ms. Lindsay was not present nor was she represented by legal counsel. Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 16, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Lindsay 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. Gloria J. Lindsay, C.N.A. was issued Certificate No. 1401-001741 to practice as a certified nurse aide in Virginia on February 9, 1989. The certificate is scheduled to expire on February 29, 2016.
2. By letter dated June 18, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Lindsay notifying her that an informal conference would be held on July 28, 2015. The Notice was sent by certified and first class mail to 2521 Timber Ridge Road, Bedford, Virginia 24523, the address of record on file with the Board of Nursing. The certified mail receipt was returned to the Board office unsigned and 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. Lindsay and the informal conference proceeded in her absence.
3. On December 4, 2014, during the course of her employment with Carriage Hill Assisted Living and Memory Care, Bedford Virginia ("Carriage Hill"):

- a. Ms. Lindsay told the resident, “if you hit me again, I am going to break your f***** neck,” or something similar.
 - b. Ms. Lindsay grabbed the resident’s wrists and pinned them to her chest.
 - c. The incident was reported by another C.N.A. who was assisting with the care of the resident.
 - d. An L.P.N. assessed the resident after the incident and noted bruises on both resident’s wrists and scratches to her right upper thigh.
 - e. Ms. Lindsay told an investigator from the Department of Health Professions that she “lost it” after she was trying to clean the resident while the resident was striking her in the face and pulling her hair.
4. As a result of this incident, Ms. Lindsay’s employment with Carriage Hill was terminated on December 4, 2014.
 5. Ms. Lindsay falsified information on her application for employment with English Meadows Senior Living Community, Bedford, Virginia, dated January 13, 2015, by failing to list her previous employment with Carriage Hill and her termination from that position on December 4, 2014.

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)(e) of the Regulations Governing Certified Nurse Aides (“Regulations”).
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.
3. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Abuse 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. 1401-001741 of Gloria J. Lindsay, C.N.A. is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Lindsay 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. Lindsay'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. Lindsay failed to appear at the informal conference, this Order shall be considered final. Ms. Lindsay 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. Lindsay 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: Sept 28, 2015

Certified True Copy

By 
Virginia Board Of Nursing