

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: AUDREY ROBINSON, C.N.A., R.M.A.
 Certificate No.: 1401-110305**

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 May 29, 2012 in Henrico County, Virginia. Audrey Robinson, C.N.A., was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 18, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Robinson 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. Audrey Robinson, C.N.A., was issued Certificate No. 1401-110305 to practice as a certified nurse aide in Virginia on August 29, 2005. The certificate is scheduled to expire on August 31, 2012. Ms. Robinson was also issued Registration No. 0031-001707 to practice as a registered medication aide in Virginia on December 20, 2008. The registration expired on August 31, 2010.

2. By letter dated April 10, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Robinson notifying her that an informal conference would be held on May 29, 2012. The Notice was sent by certified and first class mail to 7714 Vernon Place, Newport News, Virginia, the address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to

the Board office on April 17, 2012. The Agency Subordinate concluded that adequate notice was provided to Ms. Robinson and the informal conference proceeded in her absence.

3. On July 29, 2011, during the course of her employment with Newport News Nursing and Rehab, Newport News, Virginia, by her own admission, during an interview with an investigator for the Department of Health Professions, Ms. Robinson failed to report that Patient A had fallen and that she assisted a coworker, who is a licensed practical nurse, in returning Patient A to bed.

4. Patient A suffered a fractured hip which required a hip replacement.

5. When Ms. Robinson was first questioned by the facility regarding this incident, Ms. Robinson denied any knowledge of the patient falling. When questioned a second time, she admitted that the patient had fallen. Ms. Robinson indicated that she did not report the incident because she thought her co-worker would do so.

6. Ms. Robinson's employment with Newport News Nursing and Rehab was terminated on August 4, 2011, as a result of this incident.

7. In 2010, Ms. Robinson was terminated from her employment as a nurse aide at another facility for sleeping while on duty. She also resigned in lieu of disciplinary action while suspended during a facility investigation of her employment as a nurse aide at a third facility.

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.

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. 1401-110305 of Audrey Robinson, C.N.A., is INDEFINITELY SUSPENDED for a period of not less than one year.

2. The certificate will be recorded as suspended and no longer current.

3. At such time as Ms. Robinson shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a certified nurse aide. Ms. Robinson shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

5. A Finding of Neglect shall be ENTERED against Audrey Robinson, C.N.A., R.M.A., 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. Robinson'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).

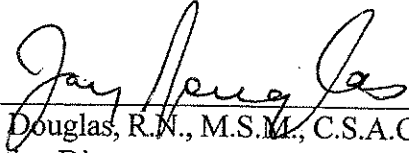
6. Since this Finding of Neglect was based on a singular occurrence, Ms. Robinson is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

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. Robinson failed to appear at the informal conference, this Order shall be considered final. Ms. Robinson 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. Robinson 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, R.N., M.S.M., C.S.A.C., 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, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

ENTERED: _____

August 2nd, 2012

Certified True Copy

By  _____

Virginia Board of Nursing