

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: **Iris B. Clark, C.N.A.**

ORDER

Pursuant to § 54.1-110 and § 54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), an informal conference was held before a Special Conference Committee of the Board of Nursing (the "Committee") on February 14, 1994 in Henrico County, Virginia, to receive and act upon evidence that Iris B. Clark, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. Ms. Clark was present and was not represented by counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Iris B. Clark holds Certificate No. 1401-000175, issued by the Virginia Board of Nursing.
2. During the course of Ms. Clark's employment with Avis B. Adams Christian Convalescent Center, Emporia, Virginia, on or about November 14, 1992, Ms. Clark used inappropriate language while assisting Resident A who was combative.

CONCLUSIONS OF LAW

Based upon Findings of Fact number 2, the Board concludes that Ms. Clark has violated § 54.1-3007 (2) and (5) of the Code of Virginia (1950), as amended.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the certificate of Iris B. Clark, C.N.A., be placed on PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end upon completion of one year of employment as a Certified Nurse Aide.

2. All written reports required by this Order shall be sent to the Board office with the first report being received no later than thirty (30) days following the date that this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

3. Ms. Clark shall inform her nursing employer and each future nursing employer that the Board has placed her certificate on probation and shall provide her employer with a copy of this Order. If, at any time, she is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that her certificate is on probation.

4. Ms. Clark shall practice as a nurse aide only in a structured, supervised employment setting satisfactory to the Board for one (1) year. This employment setting shall provide on-site supervision by a Registered Nurse or Licensed Practical Nurse who is located on the same level of the building who works the same shift who holds an unrestricted license. Before changing employment, Ms. Clark shall request that her prospective employer

provide a written description of the structured, supervised employment setting to the Board office for approval.

5. Ms. Clark shall inform the Board in writing within ten (10) days of the date she begins practice again as a nurse aide and shall provide the Board with the name and address of the employer. She shall inform the Board in writing within ten (10) days of any change of employment or any interruption in her practice as a nurse aide.

6. Ms. Clark shall direct her nursing employer to provide written performance evaluations to the Board as stated in term number 2.

7. Written reports shall be provided by Ms. Clark, which will include her current address and current employment, if any. These reports shall be sent to the Board office as stated in term number 2.

8. Ms. Clark shall return all copies of her current certificate to practice as a certified nurse aide to the Board office within ten (10) days of the date of this Order. Upon receipt of the old certificate, the Board shall issue a new certificate marked PROBATION WITH TERMS.

9. Ms. Clark, as a certified nurse aide, shall conduct herself in agreement with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.

Any violations of the terms and conditions stated in this Order shall be reason for revoking the certificate of Ms. Clark, and a hearing shall be held to decide whether her certificate

shall be revoked.

The certificate of Ms. Clark shall be reinstated without a hearing at the completion of the probationary period unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 9-6.14:1 et seq. of Code of Virginia (1950), as amended.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, 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.

If Ms. Clark does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Corinne F. Dorsey, R.N., Executive Director of the Board of Nursing, 6606 West Broad Street, Fourth Floor, Richmond, Virginia 23230-1717, within thirty three (33) days from the date of entry of this Order. This order shall become final upon expiration of the thirty-three (33) day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing as provided § 9-6.14:12 of the Code of Virginia (1950), as amended.

FOR THE BOARD

Corinne F. Dorsey
Corinne F. Dorsey, R.N.
Executive Director

Entered: March 8, 1994

RECEIVED: March 8, 1994

BY: Bernard L. Henderson, Jr.
Bernard L. Henderson, Jr., Director
Department of Health Professions

"Certificate of Service"

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Iris B. Clark at 1386 Sunnyside Lane, Emporia, Virginia 23847.

Corinne F. Dorsey
Corinne F. Dorsey, R.N.
Executive Director
Board of Nursing

March 9, 1994
DATE