

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: FELICIA FITZGERALD, C.N.A.
Certificate No.: 1401-155398

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 Felicia Fitzgerald, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by David W Kazzie, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Fitzgerald was not present and was not represented by legal counsel. 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. Felicia Fitzgerald, C.N.A., holds Certificate No. 1401-155398 to practice as nurse aide in the Commonwealth of Virginia, which was issued on August 30, 2012. Said certificate is scheduled to expire on August 31, 2015. Ms. Fitzgerald was issued Registration No. 0031-002951 to practice as a medication aide on May 5, 2009. Said registration is scheduled to expire on October 31, 2015.

2. Based upon the representations of Mr. Kazzie and Commonwealth's Exhibits #1 and #2, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence. Because Ms. Fitzgerald signed in at the hearing room prior to the beginning of the formal hearing, the Board made every effort to locate Ms. Fitzgerald prior to proceeding with the hearing.

3. During the course of her employment with St. Francis Home, Richmond, Virginia, on June 10, 2014, Ms. Fitzgerald stole money from a resident's wallet while providing care to him. The family of the resident had placed a hidden surveillance camera in the resident's room after his money had disappeared on a previous occasion. There are two surveillance videos available from the date in question. The first shows the resident removing money from his back pants pocket and placing it on the bed at around 9:10 a.m. The second video begins around 9:15 a.m. and shows Ms. Fitzgerald entering the room while the resident is seated in his chair. He then got up and continued out of view of the camera. A few moments later, Ms. Fitzgerald took the wallet from the bed, removed money and placed it inside her shirt. She then hurriedly left the room and nearly knocked over a waste container. The family reported money missing again and shared the video with the facility.

4. Ms. Fitzgerald denied any knowledge of the missing money and resigned her employment with St. Francis in lieu of termination.

5. On her March 13, 2009, application for registration by examination as a medication aide, and on her August 1, 2012, application for certification by examination as a nurse aide, Ms. Fitzgerald marked NO to the question asking whether she had ever been convicted of, pled guilty to, or pled nolo contendere to the violation of any federal, state, or other statute or ordinance constituting a felony or misdemeanor even though she had been convicted in the Chesterfield County, Virginia, Circuit Court of petit larceny in December 1999.

CONCLUSIONS OF LAW

The Board concludes that:

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(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations.

3. Findings of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Misappropriation of patient property pursuant to 42 C.F.R. § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

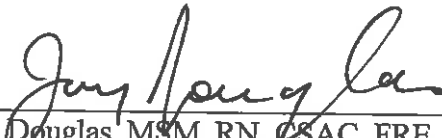
ORDER

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

1. Certificate No. 1401-155398 issued to Felicia Fitzgerald, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia, is hereby REVOKED.
2. The certificate of Ms. Fitzgerald will be recorded as REVOKED and no longer current.
3. A finding of misappropriation of patient property shall be ENTERED against Ms. Fitzgerald 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. Fitzgerald'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 §§ 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

August 13TH, 2015

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.