

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: FELICIA FITZGERALD, C.N.A., R.M.A.
Certificate No.: 1401-155398
Registration No.: 0031-002951

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Felicia Fitzgerald, C.N.A., R.M.A., who holds Certificate No. 1401-155398, which is set to expire on August 31, 2015, and Registration No. 0031-002951, which is set to expire on October 31, 2015, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on July 16, 2015, at 1:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Fitzgerald will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Fitzgerald has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Fitzgerald desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Ms. Fitzgerald may have violated certain laws and regulations governing nurse aide and medication aide practice in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS


The Board alleges that:

1. Felicia Fitzgerald, C.N.A., R.M.A., may have violated § 54.1-3007(2), (5), and (8) of the Code, 18 VAC 90-25-100(2)(h) of the Regulations Governing Certified Nurse Aides (“C.N.A. Regulations”) and 18 VAC 90-60-120(2)(i) of the Regulations Governing the Registration of Medication Aides (“R.M.A. Regulations”) in that during the course of her employment with St. Francis Home, Richmond, Virginia, on or about June 10, 2014, she stole money from a resident’s wallet while providing care to him.

2. Ms. Fitzgerald may have violated § 54.1-3007(1) of the Code, 18 VAC 90-25-100(1)(b) of the C.N.A. Regulations and 18 VAC 90-60-120(1)(b) of the R.M.A. Regulations in that 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, she 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.

If the Board finds that Ms. Fitzgerald is in violation of the above allegation(s) and § 54.1-3007(8) of the Code, the Board shall make a Finding of Abuse, Neglect, or Misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit Ms. Fitzgerald’s future employment as a certified nurse aide in any long term care facility which receives Medicare or Medicaid reimbursement.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director for the
Board of Nursing

ENTERED: June 19th, 2015