

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**VIRGINIA RUMBLE, C.N.A.
Certificate No.: 1401-040478**

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 January 9, 2013, in Henrico County, Virginia. Virginia Rumble, C.N.A., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 20, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Rumble 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. Virginia Rumble, C.N.A., was issued Certificate No. 1401-040478 to practice as a nurse aide in Virginia on September 11, 1993. The certificate is scheduled to expire on September 30, 2013. Ms. Rumble received a Reprimand by Order of the Board dated October 22, 2007.

2. By letter dated December 7, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Rumble notifying her that an informal conference would be held on January 9, 2013. The Notice was sent by certified and first class mail to P.O. Box 382, Ordinary, Virginia, 23131, the address of record on file with the Board of Nursing. The Notice was also sent to, 2843 Early Street,

Apartment A, Norfolk, Virginia, 23513, a secondary address. The receipt for the Notice sent via certified mail to the address of record was signed by Ms. Rumble and returned to the Board on December 12, 2012. The Notice sent to the address of record was not returned. The receipt for the Notice sent via certified mail to the secondary address was returned to the Board unsigned on December 18, 2012. The Notice sent via first-class mail to the secondary address was not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Rumble and the informal conference proceeded in her absence.

3. During the course of her employment with Envoy of Thornton Hall, Norfolk, Virginia, on May 31, 2012, Ms. Rumble failed to provide Resident A with complete care, in that she was rude, she ignored the resident, she did not provide oral care or brush the resident's hair, and she was rough with her when she rendered care. Further, Ms. Rumble provided incontinence care only once during her shift.

4. The incident was reported by the resident, who was sometimes confused, but alert during the facility interview. The resident indicated that she no longer wanted Ms. Rumble to provide care for her.

5. Ms. Rumble's employment with Envoy of Thornton Hall, which began in December 2006, was terminated in June 2012 as a result of this incident.

6. Ms. Rumble did not submit to an interview with an investigator for the Department of Health Professions during its investigation into this matter.

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 § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).

ORDER

WHEREFORE, it is hereby ORDERED as follows:

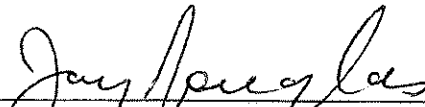
1. Certificate No. 1401-040478 of Virginia Rumble, C.N.A., is INDEFINITELY SUSPENDED for not less than one year.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Rumble shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of a nurse aide. Ms. Rumble 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.
4. A Finding of Neglect shall be ENTERED against Ms. Rumble 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. Rumble'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).
5. Since this Finding of Neglect was based on a singular occurrence, Ms. Rumble 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. Rumble failed to appear at the informal conference, this Order shall be considered final. Ms. Rumble has the right to appeal this Order directly to the appropriate Virginia circuit court. As

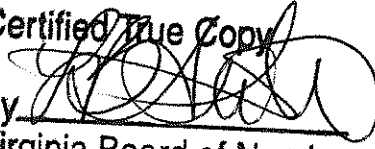
provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Rumble has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, 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: April 3RD, 2013

Certified True Copy
By 

Virginia Board of Nursing