



# COMMONWEALTH of VIRGINIA

Robert A. Nebiker  
Director

*Department of Health Professions*  
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Virginia Board of Nursing  
Jay P. Douglas, RN, MSM, CSAC  
Executive Director

September 15, 2006

Board of Nursing (804) 662-9909  
Nurse Aide Registry (804) 662-7310  
FAX (804) 662-9512

Easter M. Graves, C.N.A.  
350 Tabor Road  
Gladys, Virginia 24554

**CERTIFIED MAIL**  
**71603901984942350878**

**RE: Certificate No. 1401-107659**  
**Expires: February 28, 2007**

Dear Ms. Graves:

This is official notification that an Informal Conference will be held pursuant to §§ 54.1-110, 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), on **October 3, 2006, at 2:00 p.m.**, at the Department of Health Professions, 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230. You may be represented by an attorney at the conference.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing, will inquire into allegations that you may have violated certain laws and regulations governing nurse aide practice in Virginia. Specifically:

You may have violated § 54.1-3007(2), (5) and (8) of the Code, and 18 VAC 90-25-100(2)(e) of the Board of Nursing Regulations, in that during the course of your employment at Lynchburg Health and Rehabilitation Center, Lynchburg, Virginia, on or about June 29, 2005, when you and a co-worker were providing care for Resident A you twisted the skin on the resident's left cheek causing a bruise. You then began teasing the resident calling her a "little black dog" along with other names, or words to that effect. When the resident opened her mouth to scream, you stuffed a towel into her mouth and moved her call bell out of reach. As a result of the incident, you were terminated from your employment.

After the conference, the Committee is authorized to take the following actions:

1. If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;
2. The Committee may place you on probation with such terms as it may deem appropriate;

3. The Committee may reprimand you;
4. The Committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
5. The Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that a suspension or revocation of your certificate may be justified, the Committee may offer you a consent order in lieu of a formal hearing.
6. If the Committee finds that there is sufficient evidence to find you in violation of the above charges and § 54.1-3007(8) of the Code of Virginia, the Committee 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 C.F.R. 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 C.F.R. 483.13(c)(1)(ii)(B) of the federal regulations, such a finding would prohibit your future employment as a certified nurse aide in any long-term care facility which receives Medicare or Medicaid reimbursement.

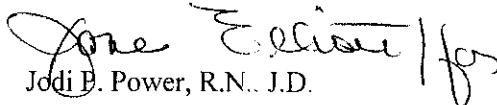
In its deliberations, the Committee may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 662-9909.

**If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence, and may take any of the actions outlined above. Please inform this office at (804) 662-9075 about whether you intend to appear at the conference at least ten (10) days prior to the scheduled date specified above. Also, please inform the Board office of a telephone number where you may be reached.**

**If you have any additional documents to be presented to the Committee, please bring five (5) copies of each document with you.**

You have the right to information that will be relied upon by the Board in making a decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office.** Also enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws and regulations relating to the practice of nurse aides in Virginia that are cited in this notice.

Sincerely,

  
Jodi P. Power, R.N., J.D.  
Deputy Executive Director  
Nurse Aide Registry Manager

JPP/ME/Graves31NIC

Enclosures

cc: Robert A. Nebiker, Director, Department of Health Professions  
Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Mykl D. Egan, Adjudication Specialist  
Rachel Shaw, Senior Investigator (Case No. 104631)  
Committee Members