

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: MARALANA D. JOHNSON, C.N.A.  
Certificate No.: 1401-165564**

**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 June 11, 2015, in Henrico County, Virginia. Ms. Johnson was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Johnson 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. Marlana D. Johnson, C.N.A. was issued Certificate No. 1401-165564 to practice as a certified nurse aide in Virginia on March 19, 2014. The certificate is scheduled to expire on March 31, 2016.
2. By letter dated April 28, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Johnson notifying her that an informal conference would be held on June 11, 2015. The Notice was sent by certified and first class mail to 4016 Clover Dew Dairy Road, Princeton, West Virginia, 24740, the address of record on file with the Board of Nursing. The certified mail receipt was returned unsigned to the Board office. The Notice sent by first class mail was returned to the Board office "not deliverable as addressed; unable to forward." The Agency Subordinate concluded that adequate

notice was provided to Ms. Johnson and the informal conference proceeded in her absence.

3. In the course of her employment with Richfield Recovery and Care Center, Salem, Virginia, on October 3, 2014, Ms. Johnson was confrontational and physically abusive with a resident, as evidenced by the following: Ms. Johnson got in the resident's face and repeatedly and firmly poked her in the shoulder while saying "what? what?" after she told Ms. Johnson another resident needed her assistance. Ms. Johnson continued to poke the resident after she asked her to stop.

4. Another C.N.A. witnessed Ms. Johnson abusing the resident.

5. In a written statement about the incident, Ms. Johnson said she had been "joking" with the resident and did not intend to be mean or abuse the resident.

6. As a result of this incident, Ms. Johnson's employment with Richfield Recovery and Care Center was terminated on October 6, 2014.

7. The same resident told a social worker that on October 2, 2014, she indicated to Ms. Johnson that her oxygen had run out, but Ms. Johnson walked away without getting more oxygen for the resident.

8. Ms. Johnson did not respond to the Department of Health Professions investigator's attempt to contact her.

### **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 VAC90-25-100(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 Abuse pursuant to 42 CFR §483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

### **ORDER**

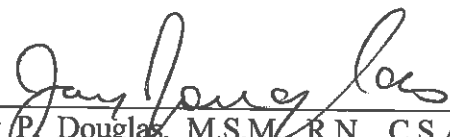
WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-165564 of Marlana D. Johnson, C.N.A. is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Marlana D. Johnson, C.N.A. 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. Johnson'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 § 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. Johnson failed to appear at the informal conference, this Order shall be considered final. Ms. Johnson 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. Johnson 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, M.S.M., R.N., C.S.A.C., F.R.E., 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, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

Certified True Copy

By   
Virginia Board Of Nursing

Entered: 