VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

RENEE D. MCCLARY, C.N.A.

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 December 18, 2008, in Henrico County, Virginia. Ms. McClary was not present nor was she represented by legal counsel. Jodi P. Power, R.N., J.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2009, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. McClary 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. Renee D. McClary, C.N.A., was issued Certificate No. 1401-096394 to practice as a nurse aide in Virginia on January 18, 2003. The certificate expires on January 31, 2009.
- 2. By letter dated September 25, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. McClary notifying her that an informal conference would be held on December 18, 2008. The Notice was sent by certified and first class mail to 531 First Street, Danville, Virginia 24540, the address of record on file with the Board of Nursing. The certified mail was returned to the Board unclaimed. However, the Notice sent to Ms. McClary by first class mail was not returned to the Board. The Agency Subordinate concluded that Ms. McClary received adequate notice and the

informal conference proceeded in her absence.

3. On September 27, 2007, and between October 8, 2007, and October 14, 2007, during the course of her employment with Team Nurse, Inc., South Boston, Virginia, while assigned to provide home health care to Client A, Ms. McClary submitted time sheets for hours she had not actually worked. Client A's husband reported that Ms. McClary would arrive several hours late and only stayed one to two hours on each of these days. As a result, her employment was terminated on October 23, 2007.

CONCLUSIONS OF LAW

Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (3) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

- 1. Renee D. McClary, C.N.A., is hereby REPRIMANDED.
- 2. Ms. McClary shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 et seq. of the Code and the Board of Nursing Regulations.

Since Ms. McClary failed to appear at the informal conference, this Order shall be considered final. Ms. McClary 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. McClary 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

Order - Renee D. McClary, C.N.A. Page 3 of 3

to that period.

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.

FOR THE BOARD

Jay P Douglas, R.N., M.S.M., C.S.A.C.

Executive Director Board of Nursing

Entered: February 9 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Renee D. McClary, C.N.A., at 531 First Street, Danville, Virginia 24540.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.

Executive Director Board of Nursing

DATE