

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SAMANTHA MYERS, C.N.A.
License No.: 1401-153564

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 April 14, 2014, in Henrico County, Virginia. Ms. Myers 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. Myers 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. Samantha Myers, C.N.A., was issued Certificate No. 1401-153564 to practice as a certified nurse aide in Virginia on June 13, 2012. Said certificate is set to expired on June 30, 2015.
2. By letter dated March 10, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Myers notifying her that an informal conference would be held on April 14, 2015. The Notice was sent by certified and first class mail to Post Office Box 72, Pembroke, Virginia, 24136, the address of record on file with the Board of Nursing. The Notice was also sent to Post Office Box 132, Pembroke, Virginia, 24136, a secondary address. The certified mail receipts for the Notice sent to both addresses were signed and returned to the Board office. The Notices sent by first class mail were not returned to the Board office. The respondent called the Board office on April 13, 2015 to advise she would not attend the informal conference. On April 14, 2015, the respondent requested a continuance. The request for a continuance was denied. The Agency Subordinate concluded that adequate notice was provided to Ms. Myers, and the informal conference proceeded in her absence.
3. During the course of her employment with Warm Hearth Village, Blacksburg, Virginia, on July 17,

2014:

- a. Ms. Myers jerked a resident’s walker away from him and pushed the resident into a chair.

The resident appeared defensive and upset. A fellow C.N.A. reported this incident.

- b. Later that day, Ms. Myers spoke harshly to a female resident and prevented the resident from leaving the dining room, which resulted in the resident crying. Another fellow C.N.A. reported this incident.

4. During an interview with an investigator from the Virginia Department of Health Professions (“DHP”), Ms. Myers stated that she had not taken her antidepressant medication for a few days prior to the incidents and that she could not control her temper. Ms. Myers could not recall the details of these events, but she recalled being upset with both residents on the date in question.

5. On her application for employment with Commonwealth Assisted Living, Christiansburg, Virginia, dated July 23, 2014, Ms. Myers falsely indicated that her reason for leaving Warm Hearth Village was “personal;” however, Ms. Myers’ employment was terminated on July 18, 2014, for resident abuse.

6. Ms. Myers told the DHP investigator that she began working at Commonwealth Assisted Living – Wheatland Hills, Christiansburg, Virginia on July 29, 2014 and was still working there as of December 10, 2014.

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 (“Regulations”).

2. Finding of Fact No. 5 constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

3. 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. The right of Samantha Myers to renew Certificate No. 1401-153564 is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Myers 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. Myers' 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. Myers failed to appear at the informal conference, this Order shall be considered final. Ms. Myers 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. Myers 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

Entered: July 20th, 2015

Certified True Copy

By 

Virginia Board Of Nursing