

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DEMITRIUS VAUGHAN, C.N.A.
Certificate No.: 1401-023300

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 March 17, 2015, in Henrico County, Virginia. Demitrius Vaughan, C.N.A., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 20, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Vaughan was present and was not was 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. Demitrius Vaughan, C.N.A., was issued Certificate No. 1401-023300 to practice as a nurse aide in Virginia on May 18, 1991. The certificate is scheduled to expire on May 31, 2015.
2. By letter dated February 20, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Vaughan notifying him that an informal conference would be held on March 17, 2015. The Notice was sent by certified and first class mail to P. O. Box 7825, Henrico, Virginia 23231, the address of record on file with the Board of Nursing.
3. On September 12, 2014 and September 13, 2014, during the course of his employment with MCV Hospitals of the VCU Health System ("MCV Hospital"), Richmond, Virginia, on several

occasions Mr. Vaughan touched Patient A in an inappropriate manner that was sexual in nature. When Patient A told Mr. Vaughan that he was standing too close to her, he refused to move. Further, as a result of Mr. Vaughan's actions related to Patient A, on December 23, 2014, Mr. Vaughan accepted a plea agreement and was convicted of assault and battery, a misdemeanor, in the Richmond, Virginia, General District Court.

4. According to Patient A, Mr. Vaughan insisted that he bathe her, and that he had to witness her give a urine sample. Patient A stated that as he was taking her vital signs, he rubbed his unexposed penis on her thigh.

5. In an interview with the Virginia Commonwealth University Police, Mr. Vaughan admitted that he rubbed his unexposed penis on the thigh of Patient A while providing care.

6. In June 2014, while providing care to Patient B, Mr. Vaughan made several inappropriate comments of a sexual nature to her. Further, while assisting Resident B to stand and transfer, he pressed his body against her.

7. Mr. Vaughan had been accused of inappropriate behavior with the MCV Hospital staff. A staff certified nurse aide reported Mr. Vaughan after he pressed his groin against her buttocks, and she could feel his erect unexposed penis against her buttocks. The nurse aide stated to the investigator for the Department of Health Professions that she later confronted Mr. Vaughan about his actions in a public place.

8. Mr. Vaughan denied the allegations made against him by hospital staff.

9. On October 9, 2014, Mr. Vaughan's employment with MCV Hospital was terminated after four years of service. When asked if he had reported his termination to his supervisor at Henrico Health and Rehabilitation Center, Richmond, Virginia, where he has been employed on an as-needed basis, Mr. Vaughan stated that he did not tell them that his employment was terminated, but that he no

longer worked there.

10. Mr. Vaughan stated that he saw a psychotherapist twice a week for six weeks while employed at MCV Hospital. An interview with the therapist by a Department of Health Professions investigator revealed that she saw Mr. Vaughan three times between August 13, 2014 and September 11, 2014. The therapist stated that Mr. Vaughan was experiencing a lot of stress and was not managing his rising blood pressure well.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 6 constitute 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. Findings of Fact Nos. 3 and 6 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. 1401-023300 of Demetrius Vaughan to practice as a nurse aide is REVOKED.


2. The certificate will be recorded as revoked and no longer current.

3. A Finding of Abuse shall be ENTERED against Mr. Vaughan 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 Mr. Vaughan'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.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Vaughan may, not later than 5:00 p.m., on **June 29, 2015**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:


s/ Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: May 27, 2015

This Order shall become final on June 29, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board Of Nursing