

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ALBERTA HAYNESWORTH, C.N.A.
Certificate No.: 1401-078090**

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. Alberta Haynesworth, C.N.A., was not present nor was she 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. Ms. Haynesworth 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. Alberta Haynesworth, C.N.A., was issued Certificate No. 1401-078090 to practice as a nurse aide in Virginia on September 24, 2005. The certificate is scheduled to expire on September 30, 2015.
2. By letter dated February 20, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Haynesworth notifying her that an informal conference would be held on March 17, 2015. The Notice was sent by certified and first class mail to 8 Brandon Ladd Circle, Waynesboro, Virginia 22980, the address of record on file with the Board of Nursing. The Notice sent by certified mail was accepted by Ms. Haynesworth on February 21, 2015. As of March 17, 2015, the Notice

sent by first class mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Haynesworth and the informal conference proceeded in her absence.

3. Between May 9, 2014, and May 10, 2014, during the course of her employment with Avante of Waynesboro (“Avante”), Waynesboro, Virginia, Ms. Haynesworth failed to take Resident A to the bathroom when she asked. Instead, she told the resident to urinate in her bed.

4 The alert and oriented resident stated that this was not the first time that Ms. Haynesworth had failed to assist her in using the restroom.

5. Ms. Haynesworth denied, to Avante’s staff, that she told the resident to urinate in the bed. She stated that she thought the resident misunderstood her when she told the resident that she had to put the resident to bed.

6. Ms. Haynesworth did not respond to multiple requests for an interview made by the investigator for the Department of Health Professions.

7. On May 20, 2014, Ms. Haynesworth’s employment with Avante was terminated.

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.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Neglect 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. 1401-078090 of Alberta Haynesworth to practice as a nurse aide is INDEFINITELY SUSPENDED for a period of not less than one year.

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 The certificate will be recorded as suspended and no longer current.

3. At such time as Ms. Haynesworth shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a nurse aide. Ms. Haynesworth shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

4. A Finding of Neglect shall be ENTERED against Ms. Haynesworth 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. Haynesworth'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).


5. Since this Finding of Neglect was based on a singular occurrence, Ms. Haynesworth is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one (1) year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

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. Haynesworth failed to appear at the informal conference, this Order shall be considered final. Ms. Haynesworth 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. Haynesworth has thirty 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


So 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

Certified True Copy

By L. Math
Virginia Board Of Nursing