

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: CRYSTAL GONZALEZ, C.N.A.
Certificate No.: 1401-101329**

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. Crystal Gonzalez, 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. Gonzalez 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. Crystal Gonzalez C.N.A., was issued Certificate No. 1401-101329 to practice as a nurse aide in Virginia on December 23, 2003. The certificate is scheduled to expire on December 31, 2015.
2. By letter dated February 20, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gonzalez notifying her 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 136, Bluefield, West Virginia 24701, the address of record on file with the Board of Nursing. On February 25, 2015, Ms. Gonzalez accepted the Notice sent by certified mail. 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. Gonzalez and the informal conference proceeded in her absence.

3. In 2013, during the course of her employment with Central West Virginia Aging Services, Inc., Buchannon, West Virginia, while assigned to provide care to Client A, who suffers with dementia, Ms. Gonzalez fraudulently obtained a credit card in Client A's name, and charged approximately \$3,000.00 worth of personal goods and services to the card. As a result of her actions, Ms. Gonzalez' employment was terminated.

4. Ms. Gonzalez admitted during an interview with the West Virginia Police, that she obtained the credit card, with her client's permission, although he was not legally able to give consent. In an Order of the Circuit Court of Mercer County, West Virginia, entered April 11, 2014, the court deferred adjudication and placed Ms. Gonzalez on five years of probation, and ordered her to pay \$3,000.00 in restitution, abstain from drugs and alcohol and be subjected to random alcohol and drug screens.

5. A detective with the Bluefield, West Virginia Police Department stated to the investigator for the Department of Health Professions that Ms. Gonzalez had a history of financial crimes, but did not elaborate on what those crimes were or if she had been convicted.

6. On her application for employment with Genesis HealthCare, Westwood Center, Bluefield, Virginia ("Westwood Center"), Ms. Gonzalez stated that the reason she left Central West Virginia Aging Services, Inc., was because she was still part-time, when, in fact, Ms. Gonzalez' employment was terminated for her fraudulent activities while caring for Client A. Further, Ms. Gonzalez failed to inform Genesis HealthCare of her arrest, deferred adjudication and probationary status related to obtaining the credit card.

7. On December 18, 2013, Ms. Gonzalez was convicted of concealment/price alteration, a misdemeanor, in the Tazewell, Virginia, General District Court. She was fined \$100.00 and ordered to

pay \$231.00 in court cost.

8. Ms. Gonzalez began employment with Westwood Center, Bluefield, Virginia on December 3, 2013, and was terminated on June 17, 2014, for failure to disclose her criminal conviction.

9. Ms. Gonzalez failed to respond to multiple requests for an interview by the investigator for the Department of Health Professions.

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)(h) of the Regulations Governing Certified Nurse Aides (“Regulations”).

2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(4) of the Code.

4. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Misappropriation of patient property 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. 1401-101329 of Crystal Gonzalez to practice as a nurse aide is REVOKED.

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


3. A Finding of Misappropriation of patient property shall be ENTERED against Ms. Gonzalez 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. Gonzalez’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. Gonzalez failed to appear at the informal conference, this Order shall be considered final. Ms. Gonzalez 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. Gonzalez has 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 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 
Virginia Board Of Nursing