

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TERRY BOLDEN, C.N.A.
Certificate No.: 1401-111266

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 June 20, 2013, in Henrico County, Virginia. Terry Bolden, 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 September 18, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Bolden 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. Terry Bolden, C.N.A., was issued Certificate No. 1401-111266 to practice as a certified nurse aide in Virginia on October 27, 2005. The certificate is scheduled to expire on October 31, 2013.
2. By letter dated May 22, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Bolden notifying her that an informal conference would be held on June 20, 2013. The Notice was sent by certified and first class mail to 316 Clay Street, Franklin, Virginia 23851, the address of record on file with the Board of Nursing. The certified mail was returned to the Board's office marked "return to sender; unclaimed; unable to forward." The first class mail was not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Bolden and the

informal conference proceeded in her absence.

3. During Ms. Bolden's employment at Riverside Convalescent Center, Smithfield, Virginia, on November 24, 2012, she failed to provide care to Resident A during the morning hours, beginning at 7:00 a.m. as evidenced by the following: Resident A was found in bed by Resident A's daughter at approximately 12:30 p.m., soaked in urine, and with breakfast items in front of her. Resident A's daughter reported that no care had been administered to Resident A that morning.

4. When Ms. Bolden was questioned by the facility regarding why she did not provide care to Resident A until 12:30 p.m., Ms. Bolden stated "It was not 12:30 p.m." Ms. Bolden stated to the Department of Health Professions investigator that she would have gotten to Resident A to provide needed care before lunchtime if Resident A's daughter had not arrived before Ms. Bolden could provide care.

5. There were no signs of harm to Resident A.

6. Ms. Bolden's employment with Riverside Convalescent Center was terminated on November 27, 2012, as a result of this incident.

7. Ms. Bolden has been employed at five different facilities since 2008 and was terminated from one of those facilities for not fulfilling her PRN Work hours. On February 6, 2013, Ms. Bolden stated to the Department of Health Professions investigator that she is currently employed at Autumn Care of Portsmouth, Portsmouth, Virginia.

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. 1401-111266 of Terry Bolden, C.N.A., is INDEFINITELY SUSPENDED.

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

3. At such time as Ms. Bolden 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 certified nurse aide. Ms. Bolden 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 Terry Bolden, C.N.A., 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. Bolden'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).

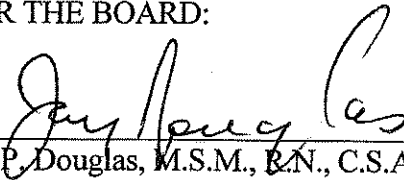
5. Since this Finding of Neglect was based on a singular occurrence, Ms. Bolden is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect 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. Bolden failed to appear at the informal conference, this Order shall be considered final.

Ms. Bolden 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. Bolden 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: September 23RD, 2013

Certified True Copy

By 
Virginia Board Of Nursing