

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: NATAI MICHAEL, C.N.A.
 Certificate No.: 1401-163712**

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 January 13, 2015, in Henrico County, Virginia. Natai Michael, 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 March 25, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Michael 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. Natai Michael, C.N.A., was issued Certificate No. 1401-163712 to practice as a nurse aide in Virginia on November 13, 2013. The certificate is scheduled to expire on November 30, 2015.
2. By letter dated December 10, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Michael notifying her that an informal conference would be held on January 13, 2015. The Notice was sent by certified and first class mail to 3082 Taylor Spring Lane, Harrisonburg, Virginia, 2280, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was returned to the Board office unsigned on January 20, 2015. The Notice sent via first class mail was not returned to the Board office. The Notice was also sent to 7356 Berry Branch Road, Dayton, Virginia, 22821, a secondary address. The receipt for the Notice sent via certified mail was signed by a third party and returned to the Board office on December 12, 2014. The Notice sent via first class mail was not returned to the Board office. The Agency

Subordinate concluded that adequate notice was provided to Ms. Michael and the informal conference proceeded in her absence.

3. During the course of her employment with Bridgewater Retirement Community, Bridgewater, Virginia, on March 23, 2014, Ms. Michael struck a dementia resident in the face multiple times.

4. Two certified nurse aides witnessed Ms. Michael striking the resident. During the facility investigation, Ms. Michael stated that she tapped the resident's head and pulled his ear in a "teasing" manner in an effort to get his attention.

5. In an interview with the investigator for the Department of Health Professions, Ms. Natai denied that she ever smacked, slapped, hit, flicked, or flipped the resident. She told the investigator that the resident's skin tear was caused by her own wedding ring.

6. Ms. Michael was hired at Bridgewater in October 2013, and her employment was terminated in March 2014 following this incident.

7. Ms. Michael stated to the investigator that she is not currently employed and is not seeking employment in health care.

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 Abuse pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).

ORDER

WHEREFORE, it is hereby ORDERED as follows:

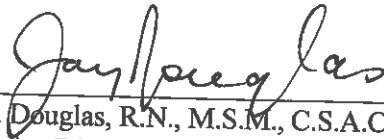
1. Certificate No. 1401-163712 of Natai R. Michael, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Michael in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding

prohibits Ms. Michael'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. Michael failed to appear at the informal conference, this Order shall be considered final. Ms. Michael 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. Michael 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, R.N., M.S.M., 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, R.N., M.S.M., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: _____

April 6th, 2015

Certified True Copy

By 
Virginia Board Of Nursing