

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CINDY Y. MONTAGUE, C.N.A.
Certificate No.: 1401-060691

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 February 10, 2015, in Henrico County, Virginia. Cindy Y. Montague, C.N.A., was not present nor was she represented by legal counsel. Judith E. Piersall, R.N., B.S.N., 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. Montague 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. Cindy Y. Montague, C.N.A., was issued Certificate No. 1401-060691 to practice as a nurse aide in Virginia on July 13, 1996. The certificate is scheduled to expire on July 31, 2015.
2. By letter dated January 12, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Montague notifying her that an informal conference would be held on February 10, 2015. The Notice was sent by certified and first class mail to P. O. Box 6191, Williamsburg, Virginia 23188, the address of record on file with the Board of Nursing. By letter dated February 3, 2015, the Board of Nursing sent an Amended Notice of Informal Conference ("Amended Notice") to Ms. Montague notifying her that an informal conference would be held on February 10, 2015. The Amended Notice was sent by certified and first class mail to P. O. Box 6191, Williamsburg, Virginia 23188. On February 6, 2015, the Board received a letter from Ms. Montague stating that she would not be attending the informal conference. The Agency Subordinate concluded that adequate notice was provided to Ms. Montague and the informal conference proceeded in her absence.

3. During the course of her employment at Eastern State Hospital, Williamsburg, Virginia, on June 14, 2014, when a patient threw urine on Ms. Montague while in the bathroom of his living area, Ms. Montague left the area, went into the pantry, retrieved a cup of water, returned to the resident's room and threw the water on him.

4. The incident at Eastern State Hospital was captured on video and a copy was submitted to the Department of Health Professions. Ms. Montague's employment was terminated on July 8, 2014.

5. During the course of her employment with Patriots Colony at Williamsburg, Virginia, on September 17, 2014, after finding a resident covered in emesis, Ms. Montague screamed and yelled at the resident, while preparing her to take a shower.

6. The incident at Patriots Colony was witnessed by another staff member and another resident. Ms. Montague's employment was terminated on September 22, 2014.

7. Ms. Montague worked concurrently at Patriot's Colony and Eastern State Hospital from 2012 until her termination from Eastern State Hospital on June 14, 2014.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 5 constitute 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. Findings of Fact Nos. 3 and 5 and Conclusions 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. 1401-060691 of Cindy Y. Montague, 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. Montague 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. Montague'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. Montague failed to appear at the informal conference, this Order shall be considered final. Ms. Montague 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. Montague 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: March 30th 2015

Certified True Copy

By 
Virginia Board Of Nursing