

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: **CANDICE A. WINSTON, C.N.A., R.M.A**
 Certificate No.: 1401-081019
 Registration No.: 0031-002729

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Candice A. Winston, C.N.A., R.M.A., who holds Certificate No. 1401-081019 which expires on December 31, 2014 and Registration No. 0031-002729, which expired on September 30, 2014, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on January 29, 2015, at 9:30 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Winston will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Winston has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Winston desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Ms. Winston may have violated certain laws and regulations governing nurse aide and medication aide practice in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Ms. Winston may have violated § 54.1-3007(6) of the Code in that she may be unsafe to practice as a nurse aide and/or as a medication aide due to substance abuse, as evidenced by the following:

a. During the course of her employment with Allzwell Assisted Living, Chesapeake, Virginia, on or about April 7, 2014, Ms. Winston reported for her shift under the influence of mood-altering medications. Ms. Winston was sleepy and lethargic and admitted having taken Klonopin (clonazepam, Schedule IV), Xanax (alprazolam, Schedule IV), and Vicodin (hydrocodone, Schedule II) prior to coming to work.

b. On or about June 10, 2014, upon being hospitalized after an altercation with her boyfriend, Ms. Winston admitted that she had been drinking and that she drinks every day.

c. On or about August 22, 2014, on an unscheduled urine drug screen, Ms. Winston tested positive for propoxyphene (Schedule IV), for which she did not have a prescription.

2. Ms. Winston may have violated § 54.1-3007(2), (5), and (6) of the Code, 18 VAC 90-25-100(2)(c) of the Regulations Governing Certified Nurse Aides, and 18 VAC 90-60-120(2)(c) of the Regulations Governing the Registration of Medication Aides in that during the course of her employment with Hills Home for Adults, Chesapeake, Virginia, on or about July 18-19, 2014, Ms. Winston diverted controlled substances for her personal and unauthorized use, as evidenced by the following:

a. Ms. Winston removed a tablet of Vicodin (hydrocodone, Schedule II) from Resident A's bubble pack and adulterated the pack by taping a tablet of Motrin 800 (ibuprofen) into it. Although Ms. Winston documented administering Vicodin to this resident, he complained of receiving no relief.

- b. Ms. Winston wrote “expired” on Resident B’s package of Phenergan (promethazine) and indicated that she had destroyed the medication, even though the expiration date was not until August 22, 2014.
 - c. Ms. Winston removed two tablets of Percocet (oxycodone, Schedule II) from Resident C’s bubble pack and adulterated the pack by taping one ibuprofen and one Tylenol tablet in their place. In addition, Ms. Winston documented administering Percocet to Resident C but failed to actually do so.
 - d. Ms. Winston documented administering Vicodin to Resident D at both 8:10 p.m. and 9:48 p.m., although the resident was prescribed one Vicodin PRN every six hours.
 - e. Ms. Winston failed to administer Ativan (lorazepam, Schedule IV) to Resident E, but then documented administering Ativan to the resident at 8:03 p.m. In addition, Ms. Winston removed tablets of Ativan and Klonopin (clonazepam, Schedule IV) from Resident E’s bubble packs and adulterated the packs by taping other medications in their place.
 - f. Ms. Winston removed lorazepam from Resident F’s bubble pack and adulterated the pack by taping other medications in their place.
 - g. Ms. Winston noted that she administered Resident G’s medications but failed to actually do so.
 - h. Ms. Winston diverted five Motrin 800 tablets from the supply of former Resident H and substituted the medications into other residents’ bubble packs to cover her diversion; at the time he was discharged several days before, Resident H had left behind a full, intact pack of the medication containing 30 tablets.
3. Ms. Winston may have violated § 54.1-3007(2), (5) and (8) of the Code, 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides and 90-60-120(2)(f) of the Regulations

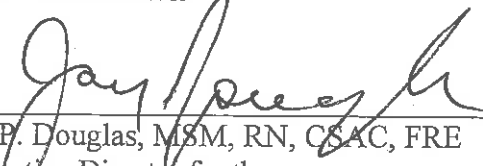
Governing the Registration of Medication Aides in that during the course of her employment with Hills Home for Adults:

- a. On or about July 18, 2014, Ms. Winston refused Resident E's request for Ativan.
- b. On or about June 2014, Ms. Winston failed to administer breathing treatment or provide a laxative to Patient G as requested.

4. Ms. Winston may have violated § 54.1-3007(2) of the Code, 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides, and 18 VAC 90-60-120(2)(e) of the Regulations Governing the Registration of Medication Aides in that on her application for employment with Hills Home, dated May 14, 2014, Ms. Winston indicated that she had left Allzwell Assisted Living due to "injury" when, in fact, her employment had been terminated on or about April 7, 2014, due to her impairment.

If the Board finds that Candice A. Winston, C.N.A., is in violation of the above allegation(s) and § 54.1-3007(8) of the Code, the Board shall make a Finding of Abuse, Neglect, or Misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit Ms. Winston's future employment as a certified nurse aide in any long term care facility which receives Medicare or Medicaid reimbursement.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director for the
Board of Nursing

ENTERED: January 9th, 2015