

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: TAMMY GORDON, C.N.A.**  
**Certificate No.: 1401-159977**

**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 October 30, 2014, in Henrico County, Virginia. Tammy Gordon, C.N.A., was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Gordon 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. Tammy Gordon, C.N.A., was issued Certificate No. 1401-159977 to practice as a nurse aide in Virginia on May 20, 2013. The certificate is scheduled to expire on May 30, 2015.
2. By letter dated September 9, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gordon notifying her that an informal conference would be held on October 14, 2014. The Notice was sent by certified and first class mail to 285 Merrimac Trail, Apt 26, Williamsburg, Virginia 23185, the address of record on file with the Board of Nursing. The Notice sent by certified mail was accepted on September 16, 2014. As of October 30, 2014, the Notice sent by first class mail had not been returned to the Board Office. By letter dated October 8, 2014, sent by certified and first class mail, the Board office notified Ms. Gordon that the informal conference scheduled for October 14, 2014, was continued until October 30, 2014. Although the letter was addressed to the address of record on file with the Board, according to the United States Postal Service

website, the letter was delivered to Lancaster, Pennsylvania, where a notice was left on October 14, 2014. As of October 30, 2014, the continuance letter sent by first class mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Gordon and the informal conference proceeded in her absence.

3. On March 24, 2014, during the course of her employment with The Hermitage, Richmond, Virginia, Ms. Gordon physically prevented Resident A, who is cognitively impaired, from attending a music program at the facility by dragging her back to her unit and blocking the door to the unit to prevent her from leaving. A video from the facility's security confirmed the allegation. Video shows Ms. Gordon roughly pulling resident down a flight of stairs.

4. On April 2, 2014, Ms. Gordon's employment with the Hermitage was terminated.

5. The investigator for the Department of Health Professions was unable to contact Ms. Gordon for an interview. Ms. Gordon submitted to the Board two letters acknowledging her actions on March 24, 2014.

#### **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 VAC18 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 § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

#### **ORDER**


WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-159977 of Tammy Gordon to practice as a nurse aide is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Gordon 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. Gordon'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. Gordon failed to appear at the informal conference, this Order shall be considered final. Ms. Gordon 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. Gordon 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

  
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

Entered: February 5, 2015

Certified True Copy

By   
Virginia Board Of Nursing