

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: REBECCA ROBERTSON, C.N.A.
Certificate No.: 1401-140578**

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 Virginia Board of Nursing ("Board") on November 4, 2014, in Henrico County, Virginia. Ms. Robertson was present and was not 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. Robertson 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. Rebecca Robertson, C.N.A., was issued Certificate No. 1401-140578 to practice as a nurse aide in Virginia on October 20, 2010. The certificate expired on October 31, 2014.
2. By letter dated October 7, 2014, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Robertson notifying her that an informal conference would be held on November 4, 2014. The Notice was sent by certified and first class mail to 310 North 3rd Street, Shenandoah, Virginia 22849, the address of record on file with the Board of Nursing.
3. During her employment at Avante at Harrisonburg, Harrisonburg, Virginia, on March 6, 2014, Ms. Robertson, by her own admission, played a prank on a disabled male resident with multiple

sclerosis in which she telephoned him, pretended to be a college student, and asked him on a date. Ms. Robertson told the resident that she was also in a wheelchair and the event was a dinner and dance at JMU for the following Saturday. The resident accepted the invitation but the caller never met him and he was embarrassed by the whole incident. The resident said he was excited to be asked out on a date and was looking forward to it and told other residents and staff that he had a date. The resident was described by the Director of Nursing as “distraught.”

4. Following a facility investigation, Ms. Robertson was allowed to resign from her nurse aide position in lieu of termination.

5. When questioned regarding the hoax, Ms. Robertson admitted that after this incident she quit drinking alcohol and taking prescription narcotics that might have impaired her judgment. At the informal conference, when questioned about her use of alcohol and prescription drugs, Ms. Robertson stated that after losing her job in the aftermath of the prank, she quit taking pills “cold turkey”. She stated that she was still not taking any pills but had an occasional drink.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(e) and (i) 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. The right of Rebecca Robertson to renew Certificate No. 1401-140578 is REVOKED.
2. The certificate will be recorded as revoked.
3. A Finding of Abuse shall be ENTERED against Ms. Robertson 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. Robertson'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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Robertson may, not later than 5:00 p.m., on **March 9, 2015**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:


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

ENTERED: February 2, 2015

This Order shall become final on March 9, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing