

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: DEMETRIUS GRAY, C.N.A., RESPONDENT**  
**Certificate No.: 1401-143233**

**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. Gray 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. Gray 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. Demetrius Gray, C.N.A., was issued Certificate No. 1401-143233 to practice as a nurse aide in Virginia on March 15, 2011. The certificate is scheduled to expire on March 31, 2015.
2. By letter dated October 7, 2014, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gray notifying her that an informal conference would be held on November 4, 2014. The Notice was sent by certified and first class mail to 1315 North 28<sup>th</sup> Street, Richmond, VA 23223, the address of record on file with the Board of Nursing. A notice of certified mail was left for Ms. Gray but she did not retrieve the certified mail from the post office. The first class mail was not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Gray and the informal conference proceeded in her absence.

3. During her employment at the Virginia Home, Richmond, Virginia, on June 30, 2014, Ms. Gray used the debit card of a resident to purchase \$490.00 of merchandise for her own use. The card was last used at Walmart and video surveillance showed Ms. Gray's using the card. Ms. Gray stated to the investigator from the Department of Health Professions that she accepted the card as a loan from the resident when she was in a desperate financial situation. The resident denied having loaned the card to Ms. Gray.

4. Ms. Gray was arrested and charged with felony obtaining money by false pretenses and felony obtaining credit card by false pretenses. The case was later *nolle prossed* on August 25, 2014.

5. Ms. Gray's employment at the Virginia Home was terminated on September 2, 2014. She had been employed at Virginia Home since April 6, 2011. Prior to this employment she worked at the Hermitage for three (3) years and then resigned. As of August 16, 2014, by her own report, she has been working as a private duty nurse.

#### 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)(h) of the Regulations Governing Certified Nurse Aides ("Regulations").

2. Finding of Fact #3 and Conclusion of Law No. 1 constitute a finding of Misappropriation of patient property 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. 0401-143233 of Demetrius Gray is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Misappropriation of patient property shall be ENTERED against Ms. Gray

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. Gray'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. Gray failed to appear at the informal conference, this Order shall be considered final. Ms. Gray 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. Gray 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

  
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

Certified True Copy

By   
Virginia Board Of Nursing