

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**VICTORIA TARMOH, C.N.A.  
CERTIFICATE NO.: 1401-125527**

**ORDER**

Pursuant to §§2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 23, 2012, in Henrico County, Virginia, to inquire into evidence that Victoria Tarmoh, C.N.A., may have violated certain laws and regulations governing certified nurse aide practice in Virginia. The case was presented by Olivia Exterovich, Adjudication Specialist, Administrative Proceedings. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Tarmoh was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Victoria Tarmoh, C.N.A., was issued Certificate No. 1401-125527 to practice as a nurse aide by the Virginia Board of Nursing on July 30, 2008. Said certificate is set to expire on July 31, 2012.
2. On July 30, 2010, during the course of her employment with Fairfax Nursing Center, Fairfax, Virginia, Ms. Tarmoh failed to follow a resident's plan of care, which required the resident have a two-person transfer, by transferring the resident from her wheelchair to her bed unassisted. The resident fell to the floor and sustained a hip fracture. Ms. Tarmoh denied that the resident fell, claiming she sat the resident on the floor following her unsuccessful attempt to transfer the resident.
3. Ms. Tarmoh stated to the Fairfax Nursing Center staff that at the time of the incident no one

was available to assist her in transferring the resident, so Ms. Tarmoh attempted the transfer alone, notwithstanding her testimony that she was aware of the transfer policy and that she had attended training during orientation and annually.

4. On August 2, 2010, Ms. Tarmoh's employment with Fairfax Nursing Center was terminated as a result of this incident.

5. During the course of an investigation by the Department of Health Professions, Ms. Tarmoh failed to respond to repeated attempts to contact her regarding this matter.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Finding of Fact No. 2 constitutes 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. Finding of Fact No. 2 and Conclusion of Law No. 1 constitute a Finding of Neglect pursuant to 42 CFR §483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

### **ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Certificate No. 1401-125527 issued to Victoria Tarmoh, C.N.A., to practice as a certified nurse aide in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than one year.

2. The certificate of Ms. Tarmoh will be recorded as SUSPENDED and no longer current. Should Ms. Tarmoh seek reinstatement of her certificate consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her certificate prior to issuance of her certificate to resume practice.

3. At such time as Ms. Tarmoh shall petition the Board for reinstatement of her certificate, a


hearing will be convened to determine whether she is able to return to the safe and competent practice as a certified nurse aide.

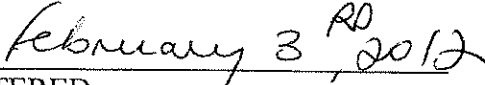
4. A finding of neglect shall be ENTERED against Victoria Tarmoh, C.N.A., in the Virginia Nurse Aide Registry pursuant to 42 CFR §483.13(C)(1)(ii)(B) and 42 CFR §483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Tarmoh's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR §483.13(c)(1)(ii)(B).

5. Since this Finding of Neglect was based on a singular occurrence, Ms. Tarmoh is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

Pursuant to §§2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

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

  
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ENTERED

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.