

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ADRIAN K. EDWARDS, C.N.A.
Certificate No.: 1401-157444

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 November 17, 2014, in Henrico County, Virginia, to inquire into evidence that Adrian K. Edwards, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Edwards 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. Adrian K. Edwards, C.N.A., was issued Certificate No. 1401-157444 to practice as a nurse aide in the Commonwealth of Virginia on January 7, 2013. Said certificate expires on January 31, 2015. Ms. Edwards also holds Registration No. 0712-64104 to practice as a nurse aide in West Virginia, which expires on July 28, 2016.
2. During the course of her employment at Westwood Center, Bluefield, Virginia, on October 19, 2013:
 - a. Ms. Edwards transferred Resident A from her wheelchair onto the bed without the use of the Hoyer lift. This action lead to an injury to Resident A's shoulder.
 - b. Ms. Edwards neglected the residents assigned to her by failing to make rounds during the first three and one-half hours of her shift.

3. Ms. Edwards was counseled for negligence in performing her job duties on June 15, May 4, and April 24, 2013, and placed on performance improvement plans.

4. Ms. Edwards' employment was terminated on October 19, 2013.

5. The Board heard testimony from Elizabeth Crawford, R.N., the former supervisor over the floor at the time of the incident and the direct supervisor of Ms. Edwards at Westwood Center, that Resident A had not complained of shoulder pain prior to the transfer to the bed by Ms. Edwards. Ms. Crawford testified that she was the individual who discovered that on October 19, 2013, Ms. Edwards had failed to make rounds on her patients.

6. The Board received evidence that, although Ms. Edwards claimed another nurse aide assisted her with the Hoyer lift for Resident A, that nurse aide stated she did not assist Ms. Edwards. The Board also received evidence that another resident, who shared Resident A's room, saw Ms. Edwards transfer Resident A to the bed without using the Hoyer lift.

7. Ms. Edwards disputed the testimony of Ms. Crawford and the disciplinary information from Westwood Center. She testified that she did use the Hoyer lift with Resident A and that Resident A was in good health when she was escorted to the clock and left the facility.

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.

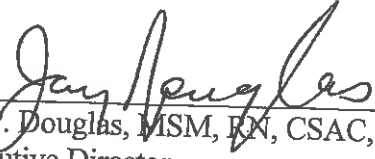
ORDER

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

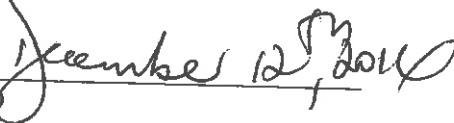
1. Certificate No. 1401-157444 issued to Adrian K. Edwards, C.N.A., to practice as a nurse in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than one year.
2. The certificate of Ms. Edwards will be recorded as SUSPENDED. Should Ms. Edwards seek reinstatement of 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. Edwards shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice as a nurse aide.
4. A finding of neglect shall be ENTERED against Ms. Edwards 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. Edwards' 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. Edwards 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



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



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, MSM, RN, CSAC, FRE, 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.

Certified True Copy
By 

Virginia Board Of Nursing