

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: REBECCA R. PHIPPS, C.N.A.
Certificate No.: 1401-120523

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 September 23, 2014 in Henrico County, Virginia. Rebecca R. Phipps, C.N.A. was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Phipps 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 R. Phipps, C.N.A. was issued Certificate No. 1401-120523 to practice as a nurse aide in Virginia on August 24, 2007. The certificate expired on August 31, 2014.
2. By letter dated September 5, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Phipps notifying her that an informal conference would be held on September 23, 2014. The Notice was sent by certified and first class mail to 734 Mosby Street, Apt. C, Richmond, Virginia 23223, the address of record on file with the Board of Nursing. As of the date of the informal conference, the United States Postal Service website indicated that the Notice sent by certified mail was still "in transit" to its destination. The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Phipps and the informal conference proceeded in her absence.
3. During the course of her employment with Envoy of Stratford Hills, Richmond, Virginia:
 - a. On January 14, 2014, Ms. Phipps cursed at a resident.

b. While the resident was sitting in his wheelchair, the respondent pushed him into his bed frame, causing an abrasion to his left knee. The resident was heard yelling to the respondent “You hurt my leg”.

c. On September 5, 2013, Ms. Phipps left her assigned post before another nurse aide could replace her, leaving a resident from Stratford Hills unattended at the hospital.

d. On May 16, 2013, Ms. Phipps engaged in an argument with another nurse aide in front of residents while at the nurses’ station.

e. On April 12, 2013, Ms. Phipps transported a resident into the hallway in a sit-to-stand lift with the resident’s buttocks exposed and using improper transfer technique.

4. Ms. Phipps’ employment with Envoy of Stratford Hills was terminated on March 6, 2014.

5. Ms. Phipps denied all allegations of abuse.

6. On August 20, 2014, in the Circuit Court of Richmond, Virginia, Ms. Phipps pled guilty to and was convicted of abuse or neglect of an incapacitated adult, a misdemeanor, for the incident that occurred on January 14, 2014. She was sentenced to 12 months in jail, with all 12 months suspended, and ordered to pay court costs.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) – 3(d) constitute violations 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. Findings of Fact Nos. 3(a), (c), and (d) 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..

3. Finding of Fact No. 3(b) 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, it is hereby ORDERED as follows:

1. The right of Rebecca R. Phipps to renew Certificate No. 1401-120523 is REVOKED.

2. The certificate will be recorded as revoked.


3. A Finding of Abuse and a Finding of Neglect shall be ENTERED against Ms. Phipps 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). These findings prohibit Ms. Phipps' 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. Phipps failed to appear at the informal conference, this Order shall be considered final. Ms. Phipps 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. Phipps has thirty (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 (3) 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: December 1, 2014

Certified True Copy

By 

Virginia Board Of Nursing