

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MISTY M. COLLINS, C.N.A.
Certificate No. 1401-145694**

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 August 19, 2014 in Henrico County, Virginia. Ms. Collins was not present and was not represented by legal counsel. Nancy K. Durrett, 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. Collins 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. Misty M. Collins, C.N.A. was issued Certificate No. 1401-145694 to practice as a nurse aide in Virginia on June 15, 2011. The certificate expired on June 30, 2014.
2. By letter dated July 31, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Collins notifying her that an informal conference would be held on August 19, 2014. The Notice was sent by certified and first class mail to 710 Norfleet Street, Franklin, Virginia 23851, the address of record on file with the Board of Nursing. The certified mail receipt was signed on August 1, 2014. 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. Collins and the informal conference proceeded in her absence.
3. During the course of her employment with Consulate Healthcare of Windsor ("Consulate"), Windsor, Virginia, on December 18, 2013, by her own admission, Ms. Collins attempted to transfer a resident from her wheelchair to her bed using a Hoyer lift by herself. As a result, the resident fell out of the lift and onto the floor.

4. The resident complained of pain over the next 48 hours, but the x-rays were inconclusive.
5. Ms. Collins' employment with Consulate was terminated on December 23, 2013.
6. Ms. Collins did not respond to a request for an interview by the Department of Health Professions investigator.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 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. 3 and Conclusion of Law No. 1 constitute a single finding of Neglect pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

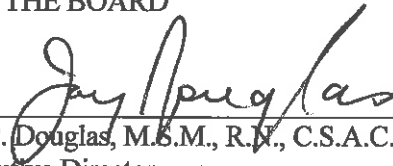
WHEREFORE, it is hereby ORDERED as follows:

1. Misty M. Collins, C.N.A., Certificate No. 1401-145694 is INDEFINITELY SUSPENDED for a period of not less than one year.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Collins shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a nurse aide. Ms. Collins shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.
4. A Finding of Neglect shall be ENTERED against Ms. Collins 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. Collins' 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. Collins is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one (1) 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 § 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. Collins failed to appear at the informal conference, this Order shall be considered final. Ms. Collins 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. Collins 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: November 25TH, 2014

Certified True Copy

By Shrath
Virginia Board Of Nursing