

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: PENNY SMITH HODGE, C.N.A.
Certificate No.: 1401-090437**

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Penny Hodge, who holds Certificate No. 1401-090437 to practice as a certified nurse aide in the Commonwealth of Virginia, which is set to expire on February 28, 2015, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on August 18, 2014, at 2:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Hodge, C.N.A., will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Hodge has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Hodge desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Ms. Hodge may have violated certain laws and regulations governing practice as a certified nurse aide in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Penny Smith Hodge, C.N.A. may have violated §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 (“Regulations”), in that during the course of her employment with Richfield Recovery and Care Center, Salem, Virginia, on or about June 4, 2013, she spoke inappropriately to a resident, calling her a “pissy old thing”, or words to that effect, and used excessive force while providing care to the resident.

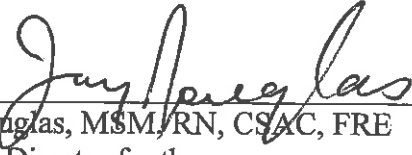
2. Ms. Hodge may have violated §54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations in that:

a. On her application for employment with English Meadows Senior Living Community, Christiansburg, Virginia, dated June 17, 2013 she failed to disclose her termination from Salem Health and Rehab, Salem, Virginia and Ridgewood Gardens, Salem, Virginia.

b. On her application for employment with Commonwealth Assisted Living, LLC, Norfolk, Virginia, dated June 24, 2013, she failed to disclose her termination from Salem Health and Rehab and Ridgewood Gardens.

If the Board finds that Penny Hodge, C.N.A., is in violation of the above allegation(s) and § 54.1-3007(8) of the Code, the Board shall make a Finding of Abuse, Neglect, or Misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit Ms. Hodge’s future employment as a certified nurse aide in any long term care facility which receives Medicare or Medicaid reimbursement.

FOR THE BOARD



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

ENTERED: July 18th, 2014