

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LAURA R. KIDD, C.N.A.
Certificate No.: 1401-116434

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 July 29, 2014, in Henrico County, Virginia. Ms. Kidd 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 September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Kidd 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. Laura R. Kidd, C.N.A. was issued Certificate No. 1401-116434 to practice as a nurse aide in Virginia on October 31, 2006. The certificate is scheduled to expire on November 30, 2014.
2. By letter dated July 2, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Kidd notifying her that an informal conference would be held on July 29, 2014. The Notice was sent by certified and first class mail to 4635 Fairmont Avenue, Lynchburg, Virginia 24502, the address of record on file with the Board of Nursing. The Notice sent by certified mail was returned to the Board office marked "unclaimed." 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. Kidd and the informal conference proceeded in her absence.

3. During her employment as an assistant at L'Arche Blue Ridge Mountains ("L'Arche"), Lynchburg, Virginia, a residential community for people with intellectual disabilities, on July 29, 2013, a Systematic, Therapeutic, Assessment, Respite, and Treatment Program employee ("START employee") observed Ms. Kidd grab the neck of a resident who is diagnosed with MR/ID Autistic Disorder (autism and mild intellectual disability), grab the resident's arm and put it behind her back, shove the resident onto her bed, and call the resident an inappropriate name.

4. The START employee who witnessed the altercation stated that Ms. Kidd's behavior appeared malicious and it was not the behavior of someone who was reacting on instinct and who accidentally conducted herself inappropriately. She stated Ms. Kidd had multiple opportunities to de-escalate the altercation, but did not do so. The START employee stated that she did not believe the resident was injured, but the resident did not want to talk about the altercation. The resident was moved from the facility by her family.

5. Ms. Kidd stated to an investigator for the Department of Health Professions that she did not know the identity of the START employee and thought she was a volunteer or a family member. Ms. Kidd stated that she and the START employee were being assaulted by the resident and that she just reacted. By her own admission, Ms. Kidd stated that she told the resident that she "kicks like a little girl".

6. Ms. Kidd was hired as a nursing assistant and not as a C.N.A. by L'Arche on April 4, 2010. Her employment with L'Arche was terminated on August 23, 2013. Her record of discipline at L'Arche includes a medication error, tardiness, placement on a performance improvement plan for unacceptable performance in the critical element of maintaining appropriate interactions in the workplace, including poor customer service and unacceptable communication with co-workers. She was placed and placement on employment probation due to lack of concentration and ability to focus such that it compromised her ability to care for residents.

7. Prior to L'Arche, Ms. Kidd stated she performed in-home care for a family member from August 2003 to October 2009. She was hired by Runk & Pratt in Lynchburg, Virginia as a C.N.A. on October 21, 2013. Her current employment status is unknown.

8. Ms. Kidd filed a complaint for assault and battery against the resident on July 29, 2013 in Lynchburg General District Court. The case was nolle prossed by the Court on September 3, 2013. Ms. Kidd sought treatment from Central Virginia Family Physicians for injuries she said she sustained because of the altercation.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended, 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 Finding of Abuse 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. Certificate No. 1401-116434 of Laura R. Kidd, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Kidd 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. Kidd'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).

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. Kidd failed to appear at the informal conference, this Order shall be considered final. Ms. Kidd 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. Kidd 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: September 29th, 2014

Certified True Copy

By S. Bratt
Virginia Board Of Nursing