

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: CHELLESE PALMER, C.N.A.
 Certificate No.: 1401-149722**

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 8, 2014 in Henrico County, Virginia. Ms. Palmer 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 September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Palmer 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. Chellse Palmer, C.N.A. was issued Certificate No. 1401-149722 to practice as a nurse aide in Virginia on December 21, 2011. The certificate is scheduled to expire on December 31, 2014.
2. By letter dated June 2, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Palmer notifying her that an informal conference would be held on July 8, 2014. The Notice was sent by certified and first class mail to 1165 Harris Road, Kilmarnock, Virginia, 22482, the address of record on file with the Board of Nursing. The certified mail was returned to the Board office unclaimed and the first class mail was not returned. The Agency Subordinate concluded that adequate notice was provided to Ms. Palmer and the informal conference proceeded in her absence.
3. During the course of her employment with Riverside Convalescent Center-Saluda ("Riverside"), Saluda, Virginia, on January 20, 2014, by her own admission, Ms. Palmer stole a cell phone belonging to a resident and incurred hundreds of dollars in charges on the phone.
4. Ms. Palmer's employment with Riverside was terminated on February 7, 2014.

5. Following the theft of the cell phone Ms. Palmer was charged with one felony count of grand larceny. The charge was reduced to one misdemeanor count of willfully preventing, obstructing, or delaying delivery of authorized communication over the telephone. She was ordered to perform 100 hours of community service and pay \$211.00 in court costs and fines and \$506.18 in restitution to the victim. Additionally, Ms. Palmer was ordered to not work as a C.N.A. for two years beginning June 1, 2014 and to turn in her certificate to practice as a certified nurse aide in the Commonwealth of Virginia to the Board. This charge is under advisement until April 17, 2017 with the Middlesex County General District Court.

6. The Board received a letter, via fax, from Ms. Palmer on June 2, 2014. The letter indicated Ms. Palmer was turning in her certificate to practice as a nurse aide in Virginia.

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)(h) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Misappropriation of patient property 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 Board ACCEPTS the VOLUNTARY SURRENDER for REVOCATION of Chellse Palmer's certificate to practice as a nurse aide in the Commonwealth of Virginia.
2. Certificate No. 1401-149722 is hereby REVOKED.
3. The certificate will be recorded as revoked and no longer current.
4. A Finding of Misappropriation of patient property shall be ENTERED against Ms. Palmer 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. Palmer'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. Palmer failed to appear at the informal conference, this Order shall be considered final. Ms. Palmer 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. Palmer 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 25th, 2014

Certified True Copy

By 
Virginia Board Of Nursing