

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:        ROSA GARNER, L.P.N.  
              License No.: 0002-052173**

**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 May 14, 2014 in Henrico County, Virginia. Rosa Garner, L.P.N., was present and was not represented by legal counsel. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Garner was present and was not represented.

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. Rosa Garner, L.P.N., was issued License No. 0002-052173 to practice practical nursing in Virginia on February 15, 1996. The license is scheduled to expire on July 31, 2015. Her primary state of residence is Virginia.
2. By letter dated April 11, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Garner notifying her that an informal conference would be held on May 14, 2014. The Notice was sent by certified and first class mail to 454 Mansion Way, Amherst, Virginia 24521, the address of record on file with the Board.
3. On July 12, 2013, during the course of her employment with Maxim Healthcare, Inc., Ms. Garner slept for approximately ten minutes while assigned to provide skilled care to an infant.

4. Ms. Garner admitted to her employer that she had fallen asleep while on duty. At the informal conference, Ms. Garner denied sleeping, but acknowledged that she got drowsy and closed her eyes. She stated that she did not feel well and probably should not have reported for her shift on the day in question. Ms. Garner's employment with Maxim was terminated on August 8, 2013, due to this incident.

5. On an application for employment with Lovington Healthcare Center, dated December 12, 2013, Ms. Garner omitted her past employment with and termination from Maxim. Further, she falsely stated that she had not been disciplined, suspended, or terminated for resident care problems when, in fact, she had been disciplined for resident care problems several times when employed with HCR Manor Care/Medical Care Center.

#### 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 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

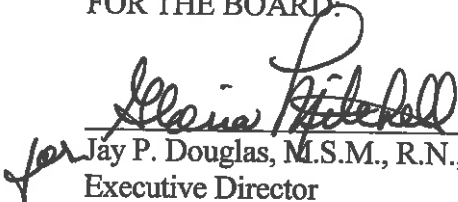
1. Rosa Garner, L.P.N., is hereby REPRIMANDED.
2. Ms. Garner shall provide the Board with verification that she has completed the following NCSBN online course within 60 days of the date this Order is entered: *Ethics of Nursing Practice*.
3. Ms. Garner shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Garner and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Garner may, not later than 5:00 p.m., on September 3, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

  
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for Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED: August 1, 2014

This Order shall become final on September 13, 2014 unless a request for a formal administrative hearing is received as described above.

Certified True Copy  
By Y. Robinson-Howe  
Virginia Board of Nursing