

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KIERRA MADDOX, C.N.A.
Certificate No.: 1401-156040

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), an informal conference was held before an Agency Subordinate of the Board of Nursing (“Board”) on March 13, 2014 in Henrico County, Virginia, to inquire into evidence that Kierra Maddox, C.N.A. may have violated certain laws and regulations governing nurse aide practice in Virginia. Ms. Maddox was present and was not represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 21, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Maddox was present and was not represented by legal counsel. The Board ratified the Agency Subordinate’s recommendation and issued an Order. Ms. Maddox appealed the decision of the Board and the Order was vacated.

By letter dated August 13, 2014 the Board noticed Ms. Maddox for a formal hearing. In lieu of proceeding to a formal hearing, the Board and Ms. Maddox, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the certificate of Ms. Maddox to practice as a nurse aide in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kierra Maddox, C.N.A., was issued Certificate No. 1401-156040 to practice as a nurse aide in Virginia on October 3, 2012. The certificate is scheduled to expire on October 31, 2014.

2. By letter dated February 12, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Maddox notifying her that an informal conference would be held on March 13, 2014. The Notice was sent by certified and first class mail to 7 Keeton Court, Hampton, Virginia 23666, the address of record on file with the Board of Nursing.

3. During the course of her employment with St. Francis Nursing Center, Newport News, Virginia:

a. On August 8, 2013, during the 7:00 a.m. to 3:30 p.m. shift, Ms. Maddox failed to provide incontinence care to Resident A and Resident B.

b. On August 9, 2013, from approximately 7:00 a.m. to 1:30 p.m., Ms. Maddox failed to provide incontinence care and ADL care for Resident B and failed to provide ADL care to Resident C.

4. Ms. Maddox acknowledged that she had not changed the residents. She was assigned between 13 and 15 residents during that shift. There was no patient injury during these incidents.

5. Ms. Maddox stated that she was called off the floor at the facility twice on August 9, 2013, and was sent home early after the second call. She stated that she was unable to complete the ADL care for Resident C.

6. Ms. Maddox was hired at St. Francis Nursing Center on November 7, 2012, and was terminated on August 9, 2013.

7. Ms. Maddox stated that she has been employed with Stay At Home Personal Care since August 14, 2013 and has no complaints against her. This employer is aware that Ms. Maddox was scheduled to appear before the Board of Nursing for an informal conference. Since the informal conference Ms. Maddox has successfully completed the Registered Nurse Program at Norfolk State University, Norfolk, Virginia.

8. The allegations of untimely incontinence care were an isolated occurrence, with Ms. Maddox's Nurse Supervisor, Unit Manager, Charge Nurse, and a facility LPN all stating to the Board's investigator in interviews that, prior to the allegations that led to her termination, Ms. Maddox was a good nurse aide and there were no concerns with her work performance related to resident care.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and 3(b) constitute a violation of § 54.1-3007(2), (3), (5) and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Findings of Fact Nos. 3(a) and 3(b) and Conclusion of Law No. 1 constitute a Finding of Neglect based on a singular occurrence pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

CONSENT

Kierra Maddox, C.N.A., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She neither admits nor denies the Findings of Fact and Conclusions of Law contained herein but waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice as a certified nurse aide in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Certificate No. 1401-156040 of Kierra Maddox, C.N.A., 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. Maddox 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 nurse aide practice. Ms. Maddox 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 based on a singular occurrence shall be ENTERED against Ms. Maddox 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. Maddox'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).

5. Since this Finding of Neglect was based on a singular occurrence, Ms. Maddox is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one 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 §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

Jane Ingalls
Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: 16 Sept. 2014

SEEN AND AGREED TO:

Kierra Maddox
Kierra Maddox, C.N.A.

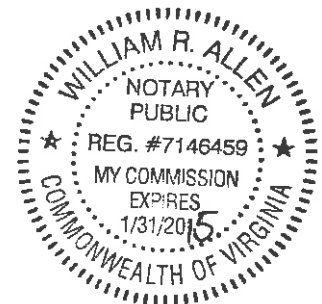
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Hampton, TO WIT:

Subscribed and sworn to before me, William Allen, a Notary Public, this 11th day of September 20 14

My commission expires 1/31/15

Registration Number 7146459

William Allen
NOTARY PUBLIC



Certified True Copy

By Shatha
Virginia Board Of Nursing