

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       HAYLEY TROTH, L.P.N.  
              License No.: 0002-086410**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on July 14, 2014, in Henrico County, Virginia, to inquire into evidence that Hayley Troth, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Troth was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Hayley Troth, L.P.N., was issued License No. 0002-086410 to practice practical nursing in the Commonwealth of Virginia on January 18, 2012. Said license expires on October 31, 2015. Her primary state of residence is Virginia. Ms. Troth was issued Certificate No. 1401-135279 to practice as a nurse aide in Virginia on February 24, 2010, which expired on February 29, 2012.
2. Based upon the representations of Tammie Jones and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with Richfield Recovery Care Center, Salem, Virginia:
  - a. On April 5, 2013, Resident A, an alert and oriented resident, approached Ms. Troth regarding a breathing treatment. Ms. Troth told the resident that there were other things more important than

her, that she had other people to take care of, and Ms. Troth laughed at her and made fun of her to other staff members.

b. On April 5, 2013, Ms. Troth told Resident A that she was not going to receive her Ativan until she took a shower, causing the resident to become upset. While Resident A was in the shower, Ms. Troth stated to a staff member that the resident needed to go because she was disgusting.

c. On April 1, 2013, Ms. Troth entered the room of a resident where a staff member was providing incontinent care and stated, "can you please shut her the f\*\*k up," or words to that effect, in reference to Resident B, who was located in another area. Later during the shift, Ms. Troth repeated the comment in the hallway.

4. Ms. Troth's employment was terminated on April 8, 2013, for gross misconduct and unsatisfactory work performance.

#### CONCLUSIONS OF LAW

The Board concludes that 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.

#### ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0002-086410 issued to Hayley Troth, L.P.N., to practice practical nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

2. The license of Ms. Troth will be recorded as SUSPENDED and no longer current. Should Ms. Troth seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license privilege prior to issuance of her license to resume practice.

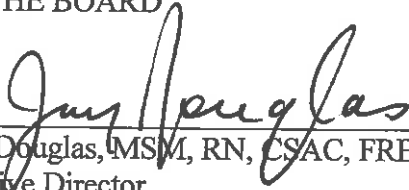
3. At such time as Ms. Troth shall petition the Board for reinstatement of her license, an

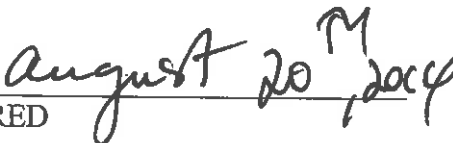
administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

4. This Order shall be applicable to Ms. Troth's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia.

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 on request.

FOR THE BOARD

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

  
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ENTERED

### NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy  
By   
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Virginia Board Of Nursing