

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

CHERYL D. MCDOWNEY, C.N.A.

ORDER

Pursuant to § 9-6.14:12, § 54.1-110 and § 54.1-2400(9) of the Code of Virginia (1950), as amended (the "Code"), a formal administrative hearing was held before a panel of the Board of Nursing (the "Board") on January 25, 1996, in Henrico County, Virginia, to receive and act upon evidence that Cheryl D. McDowney, C.N.A., may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was prosecuted by James L. Banning, Director for Administrative Proceedings Division. Howard W. Casway, Assistant Attorney General, was present as legal counsel for the Board. Ms. McDowney was present and was not represented by 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. Cheryl D. McDowney, C.N.A., holds Certificate No. 1401-036121 issued by the Virginia Board of Nursing.
2. During the course of Ms. McDowney's employment with Heritage Hall Nursing Home, King George, Virginia, on or about February 24, 1995, she inappropriately interacted with Resident A. As a result, Ms. McDowney's employment was terminated.

CONCLUSIONS OF LAW

Based upon Finding of Fact No. 2 the Board concludes that Cheryl D. McDowney, C.N.A., has violated § 54.1-3007(2) and (5) of the Code of Virginia (1950), as amended.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Certificate No. 1401-036121 issued to Cheryl D. McDowney to practice as a certified nurse aide in the Commonwealth of Virginia, be and hereby is REPRIMANDED.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, 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.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Cheryl D. McDowney, C.N.A., has thirty (30) days from the service date in which to appeal this decision by filing a Notice of Appeal with Nancy K. Durrett, R.N, Executive Director, Board of Nursing, 6606 West Broad Street, Fourth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Ms. McDowney actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

C. McDowney

FOR THE BOARD

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director

ENTERED: February 1, 1996

RECEIVED: Feb 1, 1996

BY: John W. Hasty
John W. Hasty, Director
Department of Health Professions

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Cheryl D. McDowney, C.N.A., at Route 2, Box 196, Colonial Beach, Virginia 22443.

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

February 6, 1996
DATE