

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           CARLISA COSBY, C.N.A.  
                  Certificate No.: 1401-148962**

**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 29, 2014, in Henrico County, Virginia. Carlisa Cosby, C.N.A., was not present nor was she represented by legal counsel. Nancy K. Durrett, R.N., M.S., 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. Cosby 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. Carlisa Cosby, C.N.A., was issued Certificate No. 1401-148962 to practice as a nurse aide in Virginia on November 16, 2011. The certificate is scheduled to expire on November 30, 2014.
2. By letter dated May 1, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Cosby notifying her that an informal conference would be held on May 29, 2014. The Notice was sent by certified and first class mail to 335 Douglas Street, Marion, Virginia 24354, the address of record on file with the Board of Nursing. The certified mail receipt was signed on May 15, 2014. The first class mail was not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Cosby and the informal conference proceeded in her absence.
3. On January 4, 2014, during the course of her employment with Valley Healthcare

Center, Chilhowie, Virginia, Ms. Cosby was physically and verbally abusive to Resident A while assisting her with toileting and dressing. Specifically, she bent the resident's arm behind her back and used profanity at her. Another nurse aide, who was assisting Ms. Cosby, witnessed the incident. Ms. Cosby denied the allegation. As a result, Ms. Cosby's employment was terminated.

4. Ms. Cosby reported to an investigator for the Virginia Department of Health Professions that her employment with Valley Healthcare Center, which began on July 20, 2012, was her first employment as a nurse aide. She stated that she was currently employed with a home health agency with no problems, but she did not identify the name of the agency.

#### **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)(e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No.3 and Conclusion of Law No.1 constitute a Finding of Abuse 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. Certificate No. 1401-148962 of Carlisa Cosby, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Cosby 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. Cosby'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. Cosby failed to appear at the informal conference, this Order shall be considered final. Ms. Cosby 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. Cosby 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

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

Entered: July 22, 2014

Certified True Copy

By   
Virginia Board Of Nursing