

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

TERESA HERNDON, C.N.A.

Certificate No.: 1401-108439

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 a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on April 3, 2014, in Henrico County, Virginia, to inquire into evidence that Teresa Herndon, C.N.A., may have violated certain laws and regulations governing the practice of nurse aides in Virginia. Ms. Herndon was not present and was not represented by counsel.

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

FINDINGS OF FACT

1. Teresa Herndon, C.N.A., was issued Certificate No. 1401-108439 to practice as a nurse aide in the Commonwealth of Virginia on April 22, 2005. Said certificate expires on April 30, 2015.
2. By letter dated March 10, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Herndon notifying her that an informal conference would be held on April 3, 2014. The Notice was sent by certified and first class mail to 3720 Triangle School Road, Callands, Virginia 24530, the address of record on file with the Board of Nursing. According to the United States Postal Service, the Notice sent by certified mail was delivered on March 14, 2014. As of April 3, 2014, the Notice sent by first class mail had not been returned to the Board office. By letter dated March 23, 2014, Ms. Herndon notified the Board office that she would be unable to attend the informal conference due to a scheduled medical procedure. She did

not request a continuance. The Committee Chair concluded that adequate notice was provided to Ms. Herndon and the informal conference proceeded in her absence.

3. Between April 2013, and December 2013, during the course of her employment with Roman Eagle Memorial Home, Danville, Virginia, Ms. Herndon began a non-therapeutic relationship with Resident A, who suffers from early dementia, where she gave him gifts and sent letters and cards to him. Ms. Herndon continued to contact Resident A after being told by her supervisors and his wife to not visit or contact Resident A, and after her termination from the facility as a result of this matter.

4. On October 14, 2013, Ms. Herndon's employment with Roman Eagle Memorial Home was terminated for unprofessional conduct due to her continued contact with Resident A.

5. In a letter dated October 15, 2013, Resident A's physician stated that he is unable to manage his finances or other personal affairs. Resident A's spouse has been making decisions related to his medical care, and finances since 2007.

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)(g) and (1) of the Regulations Governing Certified Nurse Aides.

2. The Committee also concludes that 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.

CONSENT

Teresa Herndon, 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 admits to the Findings of Fact and Conclusions of Law contained herein and 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 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. 1401-108439 of Teresa Herndon to practice as a nurse aide is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Herndon 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. Herndon'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 §§ 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: July 17, 2014

SEEN AND AGREED TO:

Teresa Herndon
Teresa Herndon, C.N.A.

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

Subscribed and sworn to before me, Teresa T. Herndon, a Notary Public, this 11th day of July, 2014.

My commission expires April 30, 2016

Registration Number 199724

VICKI D. CLAY
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES APRIL 30, 2016
COMMISSION # 199724

Vicki D. Clay
NOTARY PUBLIC

Certified True Copy

By [Signature]
Virginia Board of Nursing