

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LATOYA WASHINGTON, C.N.A.
Certificate No.: 1401-110511**

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 May 19, 2014, in Henrico County, Virginia, to inquire into evidence that Latoya Washington, C.N.A., may have violated certain laws and regulations governing nurse aide 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. Washington was 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. Latoya Washington, C.N.A., was issued Certificate No. 1401-110511 to practice as a nurse aide in the Commonwealth of Virginia on September 14, 2005. Said certificate expired on September 30, 2013. By Order of the Board entered October 22, 2007, Ms. Washington was reprimanded for failing to assist a resident who was soaked with urine, using profanity in the presence of residents, families and other staff, and falsifying an application for employment.

2. During the course of her employment with Our Lady of Peace, Charlottesville, Virginia:

a. On January 3, 2013, while Ms. Washington was assisting another nurse aide with the transfer of Resident A into his bed, Resident A, an alert and oriented resident, bumped his foot on the rail and said, "I think I'll live," and Ms. Washington replied, "I hope you don't," or words to that effect.

b. While providing care to Resident B, Ms. Washington stated that she had her finger in Resident B's rectum. This was reported by two different coworkers.

c. After Resident C grabbed Ms. Washington's hair, she punched Resident C in the stomach.

d. Ms. Washington was talking on the phone in the room of Resident D, while Resident D was in the room, and Ms. Washington used profanity and said Resident D would not "shut up" or words to that effect. The coworker who reported this action said she heard a "thump" after this statement and then heard Resident D cry out and say "you broke my shoulder" or words to that effect.

3. Ms. Washington's employment with Our Lady of Peace was terminated on January 9, 2013.

4. On July 10, 2013, during an interview with an investigator from the Department of Health Professions, Ms. Washington reported that she was no longer employed in a position which required the use of her nurse aide certificate. Ms. Washington testified that she said this because she was "furious" and tired of being reported. She also submitted a written statement surrendering her nurse aide certificate.

5. Ms. Noel, the Director of Nursing at the time these allegations took place, testified at the hearing that Residents B, C, and D were all dementia patients.

6. At the hearing, Ms. Washington testified that all of the nurses and aides who reported the allegations in Finding of Fact Number 2 conspired against her and fabricated the allegations in order to hurt her career. Ms. Washington further testified that she never worked with Resident B because she would swap patients with another aide, without consulting the charge nurse. However, Ms. Noel testified that the aides did not have the authority to swap patients without consulting with their supervisors.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 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. 2 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

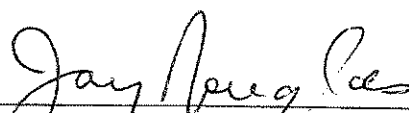
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The right of Latoya Washington, C.N.A., to renew License No. 1401-110511 to practice as a nurse aide in the Commonwealth of Virginia is hereby REVOKED.

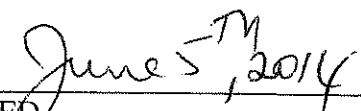
2. A finding of abuse shall be ENTERED against Ms. Washington in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(C)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Washington's employment as a certified nurse aide in any long-term care facility that receives 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 on request.

FOR THE BOARD



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



ENTERED

Certified True Copy

By 

Virginia Board Of Nursing

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, R.N., M.S.M., C.S.A.C., 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.