

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           STEFANIE MESSICK, C.N.A.**  
**Certificate No.: 1401-156358**

**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 April 8, 2014, in Henrico County, Virginia. Stefanie Messick, C.N.A., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 21, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Messick 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.       Stefanie Messick, C.N.A., was issued Certificate No. 1401-156358 to practice as a nurse aide in Virginia on October 25, 2012. The certificate is scheduled to expire on October 31, 2014.
2.       By letter dated March 6, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Messick notifying her that an informal conference would be held on April 8, 2014. The Notice was sent by certified and first class mail to 632 Hallieford Road, Cobbs Creek, Virginia, 23035, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was not returned to the Board office. The Notice sent via first-class mail was returned to the Board office marked "Return to Sender – Not Deliverable as Addressed – Unable to Forward." The Agency Subordinate concluded that adequate notice was provided to Ms. Messick and the informal conference proceeded in her absence.
3.       On October 24, 2013, during the course of her employment with Riverside Rehabilitation Center-

West Point, West Point, Virginia, Ms. Messick roughly handled an early stage dementia resident as she was putting her to bed. The facility considered the resident credible in that she was alert and oriented.

4. During the facility investigation, Ms Messick denied the allegation that she had handled the resident roughly. Ms Messick did not submit to an interview with the investigator for the Department of Health Professions.

5. Ms. Messick had a history of attendance issues and according to the facility, was frequently disrespectful and sarcastic toward staff and residents. She also had difficulty completing assigned tasks and refused to care for residents on the grounds that they had not been directly assigned to her.

6. Ms. Messick's employment was terminated on October 29, 2013.

#### **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 § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).

#### **ORDER**


WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-156358 of Stefanie Messick, 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. Messick 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. Messick'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. Messick failed to appear at the informal conference, this Order shall be considered final. Ms. Messick 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. Messick 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, R.N., M.S.M., C.S.A.C., 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

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

Entered: May 30, 2014

Certified True Copy

By L. Brath  
Virginia Board Of Nursing