

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: ANNA MARIE MORRIS, C.N.A. REINSTATEMENT APPLICANT**

**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 January 24, 2011, in Henrico County, Virginia, to receive and act upon Anna Marie Morris' application for reinstatement of her certificate to practice as a nurse aide in Virginia, which was mandatorily suspended by the Department of Health Professions on June 1, 2010, and to inquire into evidence that Ms. Morris may have violated certain laws governing nurse aide practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Morris was not 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. Anna Marie Morris, C.N.A., was issued Certificate No. 1401-033834 to practice as a nurse aide in the Commonwealth of Virginia on September 19, 1992. Said certificate was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on June 1, 2010.

2. Based upon the representations of Ms. Gaines and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to Ms. Morris and the hearing proceeded in her absence.

3. Ms. Morris submitted an application for reinstatement of her certificate which was received

by the Board on September 28, 2010.

4. On January 23, 2009, Ms. Morris was found guilty of felony welfare fraud in the Circuit Court of Danville, Virginia, as a result of her under-reporting her nurse aide income in the amount of \$1,600.00. On July 27, 2006, Ms. Morris was convicted of misdemeanor shoplifting in the General District Court of Danville, Virginia.

### **CONCLUSIONS OF LAW**

The Board concludes that:

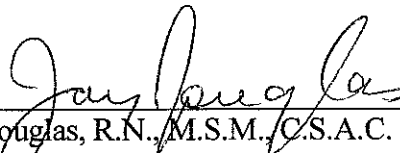
1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.
2. Ms. Morris has not demonstrated satisfactory evidence that she is prepared to resume the practice as a nurse aide in a safe and competent manner.

### **ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application for reinstatement of Certificate No. 033834 issued to Anna Marie Morris to practice as a nurse aide in the Commonwealth of Virginia, be and hereby is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the certificate of Ms. Morris be CONTINUED on INDEFINITE SUSPENSION. At such time as she shall petition the Board for reinstatement of her certificate, a hearing will be convened to determine whether she is able to return to the safe and competent practice as a nurse aide.

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, R.N., M.S.M., C.S.A.C.  
Executive Director  
Virginia Board of Nursing

February 3<sup>RD</sup>, 2011

ENTERED

**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.