

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ANTHOINETTE ATTIOGBE, C.N.A., R.M.A.
Certificate No.: 1401-144040

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 March 20, 2014, in Henrico County, Virginia, to inquire into evidence that Anthoinette Attiogbe, 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. Attiogbe 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. Anthoinette Attiogbe, C.N.A., was issued Certificate No. 1401-144040 to practice as a nurse aide in the Commonwealth of Virginia on April 20, 2011. Said certificate expires on April 30, 2014. Ms. Attiogbe was issued Registration No. 0031-006509 to practice as a medication aide on February 12, 2013. Said registration expires on January 13, 2015.
2. Based upon the representations of Tammie Jones and Commonwealth's Exhibit #1, the Notice of Formal Hearing, Affidavit of Mailing and Allegation Summary Worksheet, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment at Envoy of Thornton Hall, Norfolk, Virginia, on January 30, 2013, Ms. Attiogbe was rough in providing ADL care to Resident A, and muttered profanities under her breath.

4. Ms. Attiogbe's employment was terminated on February 5, 2013. The Administrator of Envoy of Thornton Hall testified that Ms. Attiogbe was terminated for unprofessional conduct, which the facility deemed to be abuse.

5. Resident A, an alert and oriented resident, discussed this incident with multiple people and was consistent in his complaint concerning his care.

6. Ms. Attiogbe was terminated from employment two times prior to employment with Envoy of Thornton Hall. The first termination was for abandonment and the second was for public verbal argument between coworkers and poor customer service. She misrepresented her previous employment and omitted a previous termination in her application for Envoy of Thornton Hall.

CONCLUSIONS OF LAW

The Board concludes that:

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

1. Certificate No. 1401-144040, issued to Anthoinette Attiogbe, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia, is hereby REVOKED.


2. The certificate of Anthoinette Attiogbe, C.N.A., will be recorded as REVOKED and no longer current.

3. A finding of abuse shall be ENTERED against Anthoinette Attiogbe, C.N.A., in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(C)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and

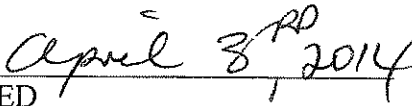
(c)(1)(iv)(D). This finding prohibits Ms. Attiogbe's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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

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.

Certified True Copy

By 

Virginia Board Of Nursing