

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**LaTOIA CALLOWAY, C.N.A.
Certificate No.: 1401-134183**

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 January 14, 2014, in Henrico County, Virginia. LaToia Calloway, C.N.A., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Calloway submitted written comments/objections.

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. LaToia Calloway, C.N.A., was issued Certificate No. 1401-154183 to practice as a nurse aide in Virginia on July 6, 2012. The certificate is scheduled to expire on July 31, 2014.
2. By letter dated December 16, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Calloway notifying her that an informal conference would be held on January 14, 2014. The Notice was sent by certified and first class mail to 12757 Daybreak Circle, Newport News, Virginia 23602, the address of record on file with the Board of Nursing. On December 26, 2013, the Notice sent by certified was returned to the Board office marked "Attempted Not Known." On December 27, 2013, the Notice sent by first class mail was returned to the Board office marked

“Forward Time Exp RTN to Send.” The Agency Subordinate concluded that adequate notice was provided to Ms. Calloway and the informal conference proceeded in her absence.

3. On April 17, 2013, during the course of her employment with Newport News Nursing and Rehabilitation Center, Newport News, Virginia, by her own admission, Ms. Calloway engaged in a verbal altercation with Resident A. Ms. Calloway admitted calling Resident A “an evil ass.” Resident A, who is alert and oriented, stated that Ms. Calloway told her that “If you think I’m talking about you, you big fat woman, you’re sick.” Ms. Calloway called the resident a “fu..er.” As Ms. Calloway entered the hall, she kicked a bin which knocked a shower bed against the wall. She then said, in front of families and residents, “I don’t give a sh.t about this job.”

4. On April 23, 2013, Ms. Calloway’s employment with Newport News Nursing and Rehabilitation Center was terminated.

5. Ms. Calloway has held four jobs between July 19, 2010 and April 23, 2013. On September 19, 2011, she was terminated from Dunbar Care and Rehabilitation located in West Virginia. On February 24, 2012, she resigned from Hubbard Hospice House in West Virginia. On August 13, 2012, Ms. Calloway left Valley Center in West Virginia, to relocate to Newport News, Virginia.

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 § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-154183 of LaToia Calloway to practice as a nurse aide is

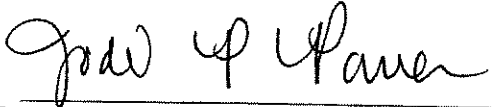
REVOKED.

2. The certificate of Ms. Calloway will be recorded as REVOKED and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Calloway 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. Calloway'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. Calloway failed to appear at the informal conference, this Order shall be considered final. Ms. Calloway 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. Calloway has 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, M.S.M., R.N., C.S.A.C., F.R.E., 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 days are added to that period.

FOR THE BOARD



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

Certified True Copy

By 

Virginia Board of Nursing

Entered: April 1, 2014