

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TILAYENESH ABERA, C.N.A.
Certificate No.: 1401-134479

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 Virginia Board of Nursing ("Board") on February 4, 2014, in Henrico County, Virginia. Ms. Abera was not present and was not represented by legal counsel. Nancy Durrett, R.N., M.S., 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. Abera 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. Tilayenesh Abera, C.N.A., was issued Certificate No. 1401-134479 to practice as a nurse aide in Virginia on January 10, 2012. The certificate expired on January 31, 2014.
2. By letter dated January 6, 2014, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Abera notifying her that an informal conference would be held on February 4, 2014. The Notice was sent by certified and first class mail to P.O. Box 10203, Alexandria, Virginia 22310, the address of record on file with the Board of Nursing. The certified mail receipt was not returned to the Board office. The USPS tracking system recorded that Ms. Abera had been notified that the certified mail was at the post office but she did not claim it. The first class mail was not returned to the

Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Abera and the informal conference proceeded in her absence.

3. During her employment at Visiting Angels Living Assistance Services, Vienna, Virginia, on May 6, 2013, Ms. Abera, who had been assigned to a 92-year-old homebound client with advanced dementia, locked said client in the house and then left her alone, thus necessitating forcible entry by the Fire Department on the following day. The client was left alone for approximately 24 hours. The client was unharmed but disheveled when rescued.

4. Ms. Abera's sudden abandonment of her home care client resulted in the neglect of the following needed services: continuous companionship, meal preparation, light housekeeping duties, personal grooming, security, and observation of the client for physical, emotional, and mental conditions in order to report any changes to the RN or director of the home care agency.

5. Ms. Abera abandoned her home care client when she began having contractions indicative of labor. She failed to notify her supervisor that she was pregnant or that she was leaving in order that she might be replaced by another nurse aide when she left for the hospital. Ms. Abera's employment was terminated. She was still unemployed when last interviewed in August, 2013.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute 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 of the Code("Regulations").

2. Findings of Fact Nos. 3 and 4 and Conclusion of Law No. 1 constitute a Finding of Neglect 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:

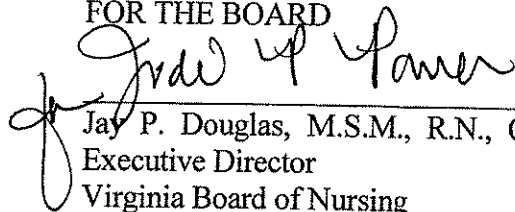
1. Certificate No. 1401-134479 of Tilayenesh Abera, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Neglect shall be ENTERED against Ms. Abera in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Abera'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. Abera failed to appear at the informal conference, this Order shall be considered final. Ms. Abera 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. Abera 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, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Virginia 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.

Certified True Copy

By 
Virginia Board Of Nursing

FOR THE BOARD

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

Entered: March 31, 2014