

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JOANNA RILEY, C.N.A.
Certificate No.: 1401-158970

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 February 27, 2014, in Henrico County, Virginia. Joanna Riley, C.N.A., was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., 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. Riley 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. Joanna Riley, C.N.A., was issued Certificate No. 1401-158970 to practice as a nurse aide in Virginia on April 3, 2013. The certificate is scheduled to expire on April 30, 2014, but was mandatorily suspended by the Director of the Department of Health Professions on March 13, 2014.
2. By letter dated January 28, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Riley notifying her that an informal conference would be held on February 27, 2014. The Notice was sent by certified and first class mail to 3490 Woodburne Drive, Virginia Beach, Virginia 23452, the address of record on file with the Board of Nursing. The Notice sent by certified mail was signed for by Ms. Riley on January 30, 2014. As of February 27, 2014, the Notice sent

by first class mail to the address of record had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Riley and the informal conference proceeded in her absence.

3. Between June 25, 2013 and September 17, 2013, during the course of her employment with Atlantic Homecare Services, Virginia Beach, Virginia, by her own admission, while providing care to Client A, who suffered from Parkinson's disease and dementia, Ms. Riley stole cash and jewelry worth several thousand dollars from Client A's home and from his wife's purse.

4. Ms. Riley was hired at Atlantic Homecare Services on June 10, 2013, and was terminated on September 17, 2013.

5. In December 2013, Ms. Riley stated to the investigator for the Department of Health Professions that she was currently unemployed and is not seeking employment at a certified nurse aide.

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)(h) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Misappropriation of patient property 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. 1401-158970 of Joanna Riley to practice as a nurse aide is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Misappropriation of patient property shall be ENTERED against Ms. Riley 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. Riley'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. Riley failed to appear at the informal conference, this Order shall be considered final. Ms. Riley 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. Riley 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, 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


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

Entered: May 29, 2014

Certified True Copy

By 
Virginia Board Of Nursing