

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**NAKIA THOMAS, C.N.A.
Certificate No.: 1401-080353**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Nursing ("Board") met on June 19, 2012, in Henrico County, Virginia, to inquire into evidence that Nakia Thomas, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. Ms. Thomas was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Nakia Thomas, C.N.A., was issued Certificate No. 1401-080353 to practice as a nurse aide in the Commonwealth of Virginia on November 24, 1999. Said certificate expires on November 30, 2012.
2. By letter dated May 23, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Thomas notifying her that an informal conference would be held on June 19, 2012. The Notice was sent by certified and first class mail to 401 East Brookland Park Boulevard, Apartment O, Richmond, Virginia, 23222, the address of record on file with the Board of Nursing.
3. During the course of her employment with HealthForce of Virginia, Inc., on November 20, 2011, while on assignment at The Hermitage, Ms. Thomas failed to follow Resident A's transfer protocol, which was given to her by the outgoing shift verbally, and in writing on a note that she admitted that she did not read. The note was later discovered crumpled and discarded in the latex glove box. When she tried to

transfer the resident without an Arjo lift, as specified in the care plan, the resident fell and sustained a head laceration requiring staples. Ms. Thomas also acknowledged at the informal conference that she did not generally read resident care plans.

4. Ms. Thomas' employment with HealthForce of Virginia, Inc. was terminated as a result of the incident.
5. Ms. Thomas' employment as a C.N.A. has been terminated on three other occasions since 2002.

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 Neglect pursuant to the Code of Federal Regulations pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Nakia Thomas, C.N.A., is hereby REPRIMANDED.
2. A Finding of Neglect shall be ENTERED against Ms. Thomas 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. Thomas' 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).
3. Since this Finding of Neglect was based on a singular occurrence, Ms. Thomas is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one (1) year from the

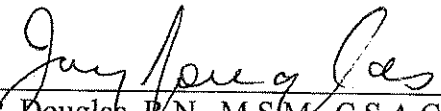
date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

4. Ms. Thomas shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Thomas may, not later than 5:00 p.m., on **August 7, 2012**, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:


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

ENTERED: July 6TH, 2012

This Order shall become final on **August 7, 2012**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing