



COMMONWEALTH of VIRGINIA

Department of Health Professions

Board of Nursing

Nancy K. Durrett, R.N., M.S.N.
Executive Director
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January 19, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
(ARTICLE NO. P973 184 290)

Nakia L. Thomas, C.N.A.
4214 Chamberlayne Avenue, Apt. O
Richmond, Virginia 23227

Dear Ms. Thomas:

This is official notification that an Informal Conference will be held pursuant to § 9-6.14:11 and § 54.1-3010 of the Code of Virginia (1950), as amended, on February 22, 2001, at 9:00 a.m., at the Department of Health Professions, 6606 W. Broad Street, Fourth Floor (Southern States Building), Richmond, Virginia 23230. You may be represented by an attorney at the conference.

The Special Conference Committee, which is comprised of at least two members of the Virginia Board of Nursing, will inquire into allegations that you may have violated certain laws and regulations governing nurse aide practice in Virginia. Specifically, you may have violated § 54.1-3007 (2), (5) and (8) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-360(2)(e) of the Board of Nursing Regulations, in that:

1. During the course of your employment with Interim Healthcare, Richmond, Virginia, date unknown, you relieved a day shift nurse aide in providing care to Patient A, who is legally blind and paralyzed on the right side of her body. While providing care to the patient on this unknown date:
 - a. You fell asleep within a few minutes of reporting for duty.
 - b. You fell asleep again after dinner, and in order to wake you for assistance to the bathroom, the patient had to touch you on the foot. You became startled, jumped up and abruptly grabbed the patient by her gait belt, and told the patient to shut up.
 - c. You left the patient unattended in the bathroom for an extended period of time, and when you returned to assist her, you once again grabbed her by the gait belt.

- d. You removed the patient's signature stamp from the side pocket of her wheelchair and stamped four (4) timesheets, refusing to give the patient the timesheets you stamped when she asked for them.
 - e. You left the patient alone without assistance and without contacting the facility at 9:15 p.m.
 - f. You grabbed the patient by her paralyzed arm and yanked her by her gait belt on several occasions other than the day in question.
2. During the course of your employment at Cedarfield, Richmond, Virginia:
- a. On or about August 31, 2000, you received an employee action report in your personnel file for using the telephone for personal calls which you should not have done. Additionally, the report indicated that you became argumentative with staff when you were asked to end a second personal call that you were on when you should have been providing resident care.
 - b. On or about August 7, 2000, you received a verbal correction report in your personnel file for improperly transferring a resident that fell, and for failing to inform the nurse that the resident had fallen.
 - c. On or about August 1, 2000, you received an employee action report for being a no call, no show.

After the conference, the conference committee is authorized to take the following actions:

1. If the committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice as a nurse aide in the Commonwealth;
2. The committee may place you on probation with such terms as it may deem appropriate;
3. The committee may reprimand you;
4. The committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
5. The committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Conference Committee is of the opinion that a suspension or revocation of your certificate may be justified, the committee may offer you a consent order in lieu of a formal hearing.

If the committee makes a finding of abuse, neglect, or misappropriation of a resident's property, such finding shall be entered in the Virginia nurse aide registry. According to federal law

Nakia L. Thomas, C.N.A.

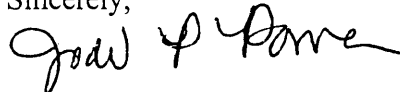
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and regulations, such a finding would prohibit your future employment as a certified nurse aide in any long term care facility which receives medicaid or medicare reimbursement.

If you fail to appear at the informal conference, the Conference Committee may proceed to hear the case in your absence, and may take any of the actions outlined above. Please inform this office at (804) 662-7596 about whether you intend to appear at the conference at least ten (10) days prior to the scheduled date specified above. Also, please inform the Board office of a telephone number where you may be reached. If you have any additional documents to be presented to the Conference Committee, please bring five (5) copies of each document with you.

You have the right to information that will be relied upon by the Board in making a decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Also, enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws and regulations relating to the practice of nurse aides in Virginia that are cited in this notice.

Sincerely,



Jodi P. Power, R.N., J.D.

Assistant Executive Director

Board of Nursing

JPP/gem/jwm

Enclosures

cc: John W. Hasty, Director
Lisa M. Oliphant, Investigator (Case # 77042)
James L. Banning, Director for Adm. Proceedings
Gayle E. Miller, Senior Legal Assistant