

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AMELIA ROBINSON, C.N.A.
Certificate No.: 1401-119213

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 November 5, 2013, in Henrico County, Virginia. Amelia Robinson, C.N.A., was not present nor was she represented by legal counsel. Nancy Durrett, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Robinson was not present nor was she represented by legal counsel. Ms. Robinson 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. Amelia Robinson, C.N.A., was issued Certificate No. 1401-119213 to practice as a nurse aide in Virginia on June 8, 2007. The certificate is scheduled to expire on June 30, 2014.
2. By letter dated October 10, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Robinson notifying her that an informal conference would be held on November 5, 2013. The Notice was sent by certified and first class mail to 1054 Hulls Estate Drive, Bedford, Virginia, 24523 the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was signed by an unknown party and returned to the Board office on October 12, 2013. The Notice sent via first-class mail was not returned to the Board office. Ms. Robinson made a telephone request for a continuance approximately thirty minutes before the scheduled time of the conference on the grounds that she had been involved in an automobile

accident three weeks earlier. She represented to the Board that she did not make the continuance request until the day of the informal conference because she had forgotten about the proceeding. The Agency Subordinate denied the request, concluded that adequate notice was provided to Ms. Robinson, and the informal conference proceeded in her absence.

3. During the course of her employment with Medical Care Center, Lynchburg, Virginia, on April 24, 2013, Robinson roughly handled Resident A while transferring her to her bed. She jerked the resident's shirt and glasses off in a rough manner and jerked her out of a chair and threw her onto the bed. The incident was witnessed by another CNA, the resident's roommate, and the roommate's visitor. No patient harm occurred.

4. Ms. Robinson's employment with the Medical Care Center was terminated. She had been employed there since February 20, 2013.

5. Ms. Robinson denied the allegation in a written response, but she was not available for an interview with the Department of Health Professions investigator.

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 § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-119213 of Amelia Robinson, C.N.A., is REVOKED.

2. A Finding of Abuse shall be ENTERED against Ms. Robinson 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. Robinson'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.

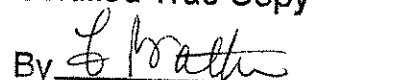
Since Ms. Robinson failed to appear at the informal conference, this Order shall be considered final. Ms. Robinson has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Robinson has thirty (30) days from the 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, R.N., M.S.M., C.S.A.C., 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 (3) 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

Entered: Feb. 10, 2014

Certified True Copy

By 
Virginia Board Of Nursing