

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: KRISTINE TUPPER, C.N.A.**  
**Certificate No.: 1401-150069**

**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 December 12, 2013, in Henrico County, Virginia. Ms. Tupper 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 January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Tupper 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. Kristine Tupper was issued Certificate No. 1401-150069 to practice as a nurse aide in Virginia on January 11, 2012. The certificate is scheduled to expire on January 31, 2014.
2. By letter dated September 10, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Tupper notifying her that an informal conference would be held on October 10, 2013. The Notice was sent by certified and first class mail to Route 4, Box 550, Bluefield, West Virginia 24701, the address of record on file with the Board of Nursing. Ms. Tupper requested and was granted a continuance. By letter dated October 15, 2013, the Board notified Ms. Tupper that the informal conference had been rescheduled for December 12, 2013. The second Notice was also sent by

certified and first class mail to Route 4, Box 550, Bluefield, West Virginia 24701, the address of record on file with the Board of Nursing. The return receipt was unsigned and the certified mail was returned to the Board. The first class mail was not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Tupper and the informal conference proceeded in her absence.

3. During the course of her employment at Heritage Hall, Tazewell, Virginia, on April 13, 2013, Ms. Tupper verbally abused Resident A, an alert and oriented resident, calling her an “old bat” and a “bitch” when she requested assistance transferring to the potty chair. In addition, she refused to help Resident A with her toileting, telling another aide that Resident A could do it herself.

4. Ms. Tupper’s employment at Heritage Hall was terminated as a result of this incident.

#### **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 § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:


1. Certificate No. 1401-150069 of Kristine Tupper, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Tupper 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. Tupper’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

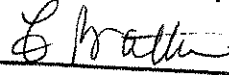
of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Tupper failed to appear at the informal conference, this Order shall be considered final. Ms. Tupper 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. Tupper 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 (3) 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: Feb. 10, 2014

Certified True Copy  
By   
Virginia Board Of Nursing