

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: CINDY MABRY, C.N.A.  
Certificate No.: 1401-155388**

**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. Mabry was present and was not 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. Mabry 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. Cindy Mabry was issued Certificate No. 1401-155388 to practice as a nurse aide in Virginia on August 29, 2012. The certificate is scheduled to expire on August 31, 2014.
2. By letter dated November 18, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Mabry notifying her that an informal conference would be held on December 12, 2013. The Notice was sent by certified and first class mail to 1533 Scratch Grave Road, Marion, Virginia, the address of record on file with the Board of Nursing. The Notice was also sent to and to 2006 Riverside Road, Marion, VA 24354, a secondary address.

3. During her employment as a nurse aide at Grace Healthcare, Abingdon, Virginia, on February 8, 2013, two nurse aide students overheard Ms. Mabry respond to a resident's bed alarm by using profanity in the doorway and then, upon entering the room, telling the resident to get on the bed, using additional profanity.

4. At the informal conference, Ms. Mabry admitted that she used profanity while in the doorway of the resident's room but denied using profanity a second time while in the patient's room. Ms. Mabry became a certified nurse aide on August 29, 2012, and began her employment with Grace Healthcare on November 28, 2012. Her employment was terminated on February 11, 2013.

### **CONCLUSIONS OF LAW**

Finding of Fact #3 constitutes a violation of § 54.1-3007(5) of the Code.

### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:


1. Cindy Mabry, C.N.A., is hereby REPRIMANDED.
2. Ms. Mabry shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3007 *et seq.* of the Code and the Regulations Governing Certified Nurse Aides.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Mabry may, not later than 5:00 p.m., on March 17, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Virginia 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 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

This Order shall become final on March 17, 2014; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board Of Nursing