

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JOYCE MOSS, C.N.A., R.M.A.,
 Certificate No. 1401-122348
 Registration No. 0031-000954**

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 October 22, 2013, in Henrico County, Virginia. Ms. Moss was not 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. Moss 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. Joyce Moss, C.N.A., R.M.A., was issued Certificate No. 1401-122348 to practice as a nurse aide in Virginia on January 9, 2008, and was issued Registration No. 0031-000954 on October 29, 2008. The certificate is scheduled to expire on January 31, 2014. The registration is scheduled to expire on September 30, 2014.
2. By letter dated October 1, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Moss notifying her that an informal conference would be held on October 22, 2013. The Notice was sent by certified and first class mail to 1117 Park St., Bedford, Virginia 24523, the address of record on file with the Board of Nursing. The certified mail receipt was signed by Ms. Moss and returned to the Board. The first class mail was not returned to the Board. Ms. Moss notified the Board in advance that she would not be attending the informal conference. The Agency Subordinate concluded that adequate notice was provided to

Ms. Moss and the informal conference proceeded in her absence.

3. During her employment at Campbell Rest Home, Bedford, Virginia, on February 5, 2013, Ms. Moss yelled at Resident A, who was angered by Ms. Moss occupying a seat in the dining room between her and another resident, and who had shouted at her. A family member of another resident and two staff members witnessed Ms. Moss yell at Resident A. None of the witnesses could remember what was said but they were certain that Ms. Moss had yelled at the resident.

4. Ms. Moss was physically rough in providing perineal care to Resident B, a cognitively intact resident who was deemed to be a reliable reporter. There was no physical harm inflicted upon Resident B.

5. In both of the incidents described in Findings of Fact No. 3 and No. 4, Ms. Moss was working as a nurse aide, not as a medication aide.

6. Ms. Moss denied allegations that she had abused said residents.

7. Ms. Moss' employment was terminated as a result of the incidents described in Findings of Fact No. 3 and No. 4. She had worked at Campbell Rest Home on and off since 2003. In 2009, Ms. Moss' employment was terminated for making an inappropriate remark to a resident but she was hired back as a housekeeper later that year, and rehired as a nurse aide in 2012, when a position became available. Campbell Rest Home has been her only employment setting as a certified nurse aide.

8. Ms. Moss told the investigator from the Department of Health Professions that she has not worked as a certified nurse aide since her employment at Campbell Rest Home was terminated. In a letter dated October 6, 2013, Ms. Moss informed the Board that she was currently working as a factory employee and did not intend to return to the field of nursing.

CONCLUSIONS OF LAW

1. Finding of Fact #3 and 4 constitute a violation of § 54.1-3007(2), (5) and (8) of the Code, 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides and 18 VAC 90-60-120(2)(f) of the Regulations Governing the Registration of Medication Aides.

2. Findings of Fact No. 3 and No. 4 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.

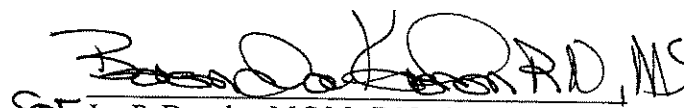
ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The nurse aide certificate and medication aide registration of Joyce Moss are REVOKED.
2. A Finding of Abuse shall be entered against Ms. Moss 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. Moss' 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).

Since Ms. Moss failed to appear at the informal conference, this Order shall be considered final. Ms. Moss 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. Moss 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



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

Entered: Feb 6, 2014

Certified True Copy

By 

Virginia Board Of Nursing