

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           SHIRLEY WRIGHT, C.N.A.**  
**Certificate No.: 1401-032588**

**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 October 29, 2013, in Henrico County, Virginia. Shirley Wright, C.N.A., was not present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., 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. Wright 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. Shirley Wright, C.N.A., was issued Certificate No. 1401-032588 to practice as a certified nurse aide in Virginia on August 15, 1992. The certificate expired on August 31, 2013.
2. By letter dated October 2, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Wright notifying her that an informal conference would be held on October 29, 2013. The Notice was sent by certified and first class mail to P.O Box 172, Iron Gate, Virginia 24448, the address of record on file with the Board of Nursing. The certified mail receipt and first class mail were not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Jenkins and the informal conference proceeded in her absence.
3. On June 24, 2013, the West Virginia Nursing Assistant Program placed Ms. Wright on the West Virginia Nurse Aide Abuse Registry for neglect based on findings that during her employment with White Sulphur Springs Center, White Sulphur Springs, West Virginia, on October 11, 2011, she attempted to transfer a

resident from his bed to his chair by herself using a Hoyer lift and the lift tipped over, causing the resident to fall to the floor.

4. Ms. Wright did not respond to attempts to contact her by the West Virginia Office of Health Facility Licensure and Certification, nor did she respond to attempts to contact her by the investigator for the Virginia Department of Health Professions.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 and constitutes a violation of §54.1-3007(2), (5), (7) and (8) of the Code and 18 VAC 90-25-100(2)(b) and (e) of the Regulations Governing Certified Nurse Aides.

2. Findings of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Neglect 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 right of Shirley Wright, C.N.A., to renew Certificate No. 1401-032588 is INDEFINITELY SUSPENDED for not less than one year from the date of entry of this Order.

2. The certificate will be recorded as suspended.

3. At such time as Ms. Wright shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent nurse aide practice. Ms. Wright shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

4. A Finding of Neglect shall be ENTERED against Ms. Wright 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. Wright'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).


5. Since this Finding of Neglect was based on a singular occurrence, Ms. Wright is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one (1) year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of

abusive behavior or neglect.

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. Wright failed to appear at the informal conference, this Order shall be considered final. Ms. Wright 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. Wright 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. 6, 2014

Certified True Copy

By L. Patten  
Virginia Board Of Nursing