

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: CHARITY LOWE, C.N.A.
Certificate No.: 1401-158465**

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 22, 2013, in Henrico County, Virginia. Ms. Lowe 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. Lowe 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. Charity Lowe was issued Certificate No. 1401-158465 to practice as a nurse aide in Virginia on March 4, 2013. The certificate is scheduled to expire on March 31, 2015.
2. By letter dated October 1, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Lowe notifying her that an informal conference would be held on October 22, 2013. The Notice was sent by certified and first class mail to 1105 Grand Avenue, Sebring, Florida 33870, the address of record on file with the Board of Nursing. The certified mail receipt was signed and the first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Lowe and the informal conference proceeded in her absence.
3. On April 20, 2013, during her employment with Trinity Mission of Charlottesville,

Charlottesville, Virginia, Ms. Lowe failed to follow the plan of care that required the use of a Hoyer lift when transferring Resident A. Ms. Lowe and the aide orienting her to her first C.N.A. position transferred Resident A to the bed without use of the Hoyer lift and Resident A slipped off the bed. Reports differ as to whether Ms. Lowe reported that the resident fell to the floor.

4. The following day, the resident was diagnosed with a left proximal tibia fracture and a right proximal fibula fracture.

5. Ms. Lowe's employment was terminated based on the incident described in Finding of Fact No. 3.

6. Ms. Lowe's position at Trinity Mission of Charlottesville was her first employment as a nurse aide in Virginia. She has since moved to Florida and is applying for nurse aide certification in that State.

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. Charity Lowe, C.N.A., is hereby REPRIMANDED.
2. Ms. Lowe shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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. Lowe failed to appear at the informal conference, this Order shall be considered final.


Ms. Lowe 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. Lowe 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


~~S~~ 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