

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: REBECCA CREEKMORE, C.N.A.  
Certificate No.: 1401-040525**

**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 10, 2013, in Henrico County, Virginia. Ms. Creekmore 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 November 19, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Creekmore 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. Rebecca Creekmore was issued Certificate No. 1401-040525 to practice as a nurse aide in Virginia on September 11, 1993. The certificate expired on September 30, 2013.
2. By letter dated September 4, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Creekmore notifying her that an informal conference would be held on October 10, 2013. The Notice was sent by certified and first class mail to 364 Caratoke Highway, Apt. B, Moyock, North Carolina 27958, the address of record on file with the Board of Nursing. The certified mail receipt card and the exhibits sent by certified mail were returned to the Board office as they were

unclaimed by Ms. Creekmore. The Notice sent by regular mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Creekmore and the informal conference proceeded in her absence.

3. During her employment at Autumn Care of Chesapeake, Chesapeake, Virginia (“Autumn Care”), on two occasions, Ms. Creekmore repositioned clients in their beds without taking the necessary precautions to prevent injury, as evidenced by the following:

a. On January 24, 2013, Resident A fell out of her bed while Ms. Creekmore was repositioning her. There was no injury to the patient.

b. On July 7, 2013, Resident B, who was alert and oriented, fell off his bed while Ms. Creekmore was repositioning him, resulting in two fractures to his leg. Further, Ms. Creekmore told Resident B not to tell anyone about the mishap and she did not report the incident. Ms. Creekmore stated that she did not report the incident because the patient had actually thrown his leg onto the floor and had not fallen.

4. As a result of the incident described in Finding of Fact No. 3(b), Ms. Creekmore’s employment at Autumn Care was terminated.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact #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 the Certification of Nurse Aides.

2. Finding of Fact #3 and Conclusion of Law #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:

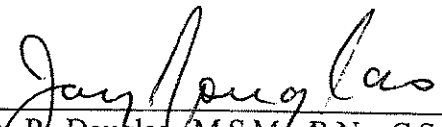
1. The right of Rebecca Creekmore to renew Certificate No. 1401-040525 is REVOKED.

2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Creekmore 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. Creekmore'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).

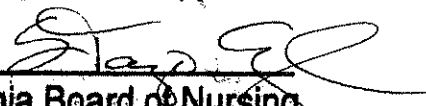
Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

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

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

**Certified True Copy**

By   
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Virginia Board of Nursing

Entered: December 12<sup>th</sup>, 2013