

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JUDITH ST. CLAIR, C.N.A.
 Certificate No.: 1401-069436**

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. St. Clair 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. St. Clair 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. Judith St. Clair was issued Certificate No. 1401-069436 to practice as a nurse aide in Virginia on October 25, 1997. The certificate is scheduled to expire on October 31, 2013.
2. By letter dated September 10, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. St. Clair notifying her that an informal conference would be held on October 10, 2013. The Notice was sent by certified and first class mail to 741 Kenyon Road, Vinton, VA 24179, 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. St.

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

3. On September 24, 2012, during her employment at Carrington Place at Botetourt Commons, Daleville, Virginia, Ms. St. Clair grabbed the wrists of Resident A, while changing her.

4. Ms. St. Clair stated that Resident A became combative and began to hit and curse her and that she grabbed the resident's wrist to prevent the resident from breaking Ms. St. Clair's glasses. In her response to her employer's corrective action report, Ms. St. Clair commented that she had been a nurse aide for 16 years and had never hurt anyone. The Director of Nursing acknowledged that Ms. St. Clair was a "dependable, hard-working" nurse aide and stated her belief that the bruises were related to Ms. St. Clair's efforts to change Resident A and "were not intentional."

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. Judith St. Clair, C.N.A., is hereby REPRIMANDED.
2. Ms. St. Clair 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. St. Clair failed to appear at the informal conference, this Order shall be considered final.

Ms. St. Clair 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. St. Clair 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: _____

December 12th, 2013

Certified True Copy

By 
Virginia Board of Nursing