

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       MACHIKO BOONE, C.N.A.  
              Certificate No.: 1401-110660**

**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 10, 2013, in Henrico County, Virginia. Ms. Boone 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. Boone submitted written comments/objections.

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. Machiko Boone was issued Certificate No. 1401-110660 to practice as a nurse aide in Virginia on September 21, 2005. The certificate expired on September 30, 2013.
2. By letter dated September 12, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Boone notifying her that an informal conference would be held on October 10, 2013. The Notice was sent by certified and first class mail to 5288 Level Run Road, Long Island, Virginia 24509, the address of record on file with the Board of Nursing. The certified mail receipt card was signed by Ms. Boone. The Notice sent by first class mail was not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Boone and the informal

conference proceeded in her absence.

3. During Ms. Boone's employment with Autumn Care Nursing and Rehab, Alta Vista, Virginia, on April 7-8, 2013:

a. She left three residents soiled and wet throughout her shift. One resident, who was alert and oriented, stated that she was very embarrassed as no one had changed her all night. There was no physical harm to these residents. Ms. Boone stated that she made rounds regularly and checked residents every 2-3 hours.

b. By her own admission, Ms. Boone changed the dressing of a resident when she was not permitted as a nurse aide to do so. Ms. Boone stated that she knew she was not supposed to change dressings but claimed that a charge nurse told her to do so.

4. Ms. Boone's employment was terminated due to the incidents cited above.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact #3(a) 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 Certified Nurse Aides ("Regulations").

2. Finding of Fact #3(b) constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(a) of the Regulations.

3. Finding of Fact No. 3 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:

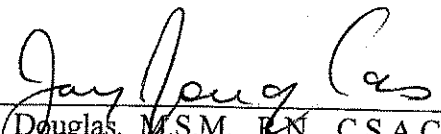
1. The right of Machiko Boone to renew her certificate to practice as a nurse aide in Virginia is REVOKED.

2. A Finding of Abuse shall be entered against Ms. Boone 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. Boone'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).

Since Ms. Boone failed to appear at the informal conference, this Order shall be considered final. Ms. Boone 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. Boone 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 12<sup>th</sup>, 2013

**Certified True Copy**

By   
**Virginia Board of Nursing**