

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: ANISSA B. WATSON, C.N.A.**

**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 June 1, 2010, in Henrico County, Virginia. Anissa B. Watson, C.N.A., was not present nor was she represented by legal counsel. Nancy K. Durrett, R.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 21, 2010, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Watson 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. Anissa B. Watson, C.N.A., was issued Certificate No. 1401-067907 to practice as a nurse aide in Virginia on August 18, 1997. The certificate is current and is set to expire on August 31, 2011.

2. By letter dated May 4, 2010, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Watson notifying her that an informal conference would be held on June 1, 2010. The Notice was sent by certified and first class mail to 29 Saxony Place, Hampton, Virginia 23669, the address of record on file with the Board of Nursing. Information obtained from the United States Postal Service website indicated that an attempt was made to deliver the certified letter to Ms. Watson's address of record on May, 6, 2010, and a notice was left advising her that she may pick the certified letter up at

the post office or arrange for redelivery. She was further advised that if the certified letter was unclaimed after 30 days, it would be returned to the sender. The Notice sent by first class mail was not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Watson and the informal conference proceeded in her absence.

3. On September 24, 2009, during the course of her employment with Personal Touch Home Care and Hospice, Newport News, Virginia, Ms. Watson failed to report, as assigned, for her duties at the homes of Patient A and Patient B, which involved light housekeeping and meal preparation, yet she submitted time sheets related to each patient falsifying the hours that she actually worked on that date. As a result, her employment was terminated on September 28, 2009.

4. When interviewed by an investigator for the Virginia Department of Health Professions, Ms. Watson denied that she falsified any time sheets and stated that she was at the homes of the above-referenced patients on September 24, 2009. However, she could not provide an explanation as to why she was not at Patient A's home, as indicated on her time sheet, when her supervisor made a home-visit, nor could she provide an explanation why she was not present at Patient B's home, as indicated on her time sheet, when her supervisor called the patient's home and was advised by an occupant in the home that Ms. Watson was not present.

#### **CONCLUSIONS OF LAW**

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

2. Finding 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. Certificate No. 1401-067907 of Anissa B. Watson, C.N.A., is REVOKED.

2. The certificate will be recorded as revoked and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Watson seek reinstatement of her certificate after three years, she shall be responsible for any fees that may be required for the reinstatement of her certificate prior to issuance of her certificate to resume practice. The reinstatement of Ms. Watson's certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

3. A Finding of Neglect shall be ENTERED against Ms. Watson 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. Watson'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).

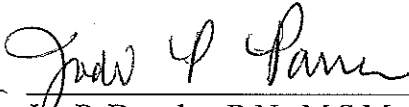
4. Since this Finding of Neglect was based on a singular occurrence, Ms. Watson is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one (1) year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not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

Since Ms. Watson failed to appear at the informal conference, this Order shall be considered final. Ms. Watson 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. Watson 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, R.N., M.S.M., C.S.A.C., 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.

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.

FOR THE BOARD

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

Entered: August 16, 2010