

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: NINA WOODS, C.N.A.
 Certificate No.: 1401-008127**

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 August 22, 2013, in Henrico County, Virginia. Nina Woods, C.N.A., 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. Woods 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. Nina Woods, C.N.A., was issued Certificate No. 1401-008127 to practice as a nurse aide in Virginia on May 29, 1989. The certificate expired on May 31, 2013.
2. By letter dated July 16, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Woods notifying her that an informal conference would be held on August 22, 2013. The Notice was sent by certified and first class mail to P. O. Box 727, Dryden, Virginia 24243, the address of record on file with the Board of Nursing. The Notice sent by certified mail was signed for by Ms. Woods on July 17, 2013. As of August 22, 2013, the Notice sent by first class mail had not been

returned to the Board office. By letter received by the Board on August 19, 2013, Ms. Woods advised that she was unable to appear due to lack of transportation and financial restrictions but did not request a continuance. The Agency Subordinate concluded that adequate notice was provided to Ms. Woods and the informal conference proceeded in her absence.

3. On December 13, 2012, during the course of her employment with Heritage Hall, Big Stone Gap, Virginia, Ms. Woods forcefully grabbed the wrists of Resident A, who had become combative, and forced one of the resident's hands to her mouth, telling the resident to bite herself. The incident was witnessed and reported by another certified nurse aide. There was no patient harm.

4. Ms. Woods denied that she was being rough or abusive with the resident during the incident, in her interview with the investigator for the Department of Health Professions.

5. Ms. Woods began employment with Heritage Hall in 1992 and has had a number of disciplinary actions including an incident where she dislocated a resident's thumb and caused a skin tear, which was witnessed by two nurse aide students.

6. On December 18, 2012, Ms. Woods' employment with Heritage Hall was terminated as a result of the incident in Findings No. 3.

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)(e) of the Regulations Governing Certified Nurse Aides.

2. 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 Nina Woods to renew Certificate No. 1401-008127 to practice as a nurse


aide is REVOKED.

2. The certificate will be recorded as revoked.

3. A Finding of Abuse shall be ENTERED against Ms. Woods 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. Woods' 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. Woods failed to appear at the informal conference, this Order shall be considered final. Ms. Woods 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. Woods has 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


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

Entered: November 27, 2013

Certified True Copy

By 
Virginia Board Of Nursing