

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           JACQUELINE RICE, C.N.A**  
**Certificate No.:1401-012464**

**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. Jacqueline Rice, 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. Rice 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. Jacqueline Rice, C.N.A., was issued Certificate No. 1401-012464 to practice as a nurse aide in Virginia on July 10, 1989. The certificate expired on July 31, 2013.
2. By letter dated July 25, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Rice notifying her that an informal conference would be held on August 22, 2013. The Notice was sent by certified and first class mail to 899 Brunswick Road, Emporia Virginia 23847, the address of record on file with the Board of Nursing. The Notice was also sent to 1707 Purdy Road, Emporia, Virginia 23847, a secondary address. The Notices sent by certified mail to the address of record and to the secondary address were signed for by Ms. Rice on July 25, 2013. As of August 22, 2013, the

Notices sent by first class mail to the address of record and the secondary address had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Rice and the informal conference proceeded in her absence.

3. On January 10, 2013, during the course of her employment with Emporia Manor, Emporia, Virginia, Ms. Rice handled Resident A, who suffered from dementia, in a rough manner, swinging her legs around while preparing her for a bath and placing her in the tub in a slouched position. Further, she placed the resident in a wet dress and slip and a torn disposable panty. The incident was observed and reported by another certified nurse aide. There was no injury to the resident.

4. Ms. Rice denied to the investigator for the Department of Health Professions that the respondent was still wet when she left her room.

5. On January 10, 2013, Ms. Rice's employment with Emporia Manor was terminated.

6. She was terminated from Care Advantage, Emporia for submitting a forged time sheet.

#### **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 Jacqueline Rice to renew Certificate No. 1401-012464 to practice as a nurse aide is REVOKED.

2. The certificate will be recorded as revoked and no longer current.

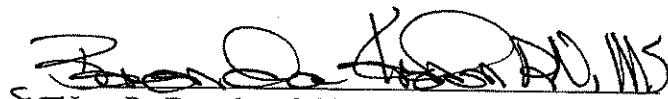
3. A Finding of Abuse shall be ENTERED against Ms. Rice in the Virginia Nurse Aide

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



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 [Signature]  
Virginia Board Of Nursing