

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARTIN M. MARTIN, C.N.A.  
Certificate No.: 1401-013512

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Martin M. Martin, C.N.A., who, prior to its summary suspension by the Board of Nursing on October 8, 2013, held Certificate No. 1401-013512, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on November 19, 2013, at 1:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Mr. Martin will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Mr. Martin has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on his behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Mr. Martin desires any witnesses to appear on his behalf, he must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

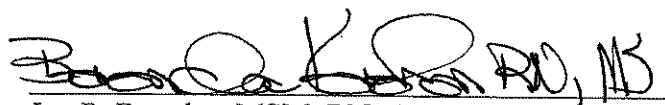
The purpose of the hearing is to inquire into evidence that Mr. Martin may have violated certain laws and regulations governing nurse aide practice in Virginia, as more fully set forth in the Statement of Particulars below.

**STATEMENT OF PARTICULARS**

The Board alleges that Martin M. Martin, C.N.A., may have violated § 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 in that during the course of his employment with Our Lady of Peace, Charlottesville, Virginia, on or about August 17, 2013, Mr. Martin sexually assaulted Resident A, who was 84 years old, not alert or orientated, non-verbal, and suffered from dementia. Mr. Martin committed the sexual assault by climbing on top of Resident A while she was lying in bed and penetrating her vagina with his penis.

If the Board finds that Martin M. Martin, C.N.A., is in violation of the above allegation and § 54.1-3007(8) of the Code, the Board shall make a Finding of Abuse, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit Mr. Martin's future employment as a certified nurse aide in any long term care facility which receives Medicare or Medicaid reimbursement.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director for the  
Board of Nursing

ENTERED: October 16, 2013