

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: COLLEEN ANDREW, C.N.A.**  
**Certificate No.: 1401-103061**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 19, 2013, in Henrico County, Virginia, to inquire into evidence that Colleen Andrew, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Anne G. Joseph, Deputy Director, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Andrew was present and was represented by Jonathan Joseph, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Colleen Andrew, C.N.A., was issued Certificate No. 1401-103061 to practice as a nurse aide in Virginia on April 19, 2004. Said certificate is scheduled to expire on April 30, 2014.
2. During the course of her employment with The Gardens at Warwick Forest, Newport News, Virginia, on June 6, 2012, Ms. Andrew transferred Resident A, a resident with dementia, to the bathroom commode and left her unattended in the bathroom. Upon her return, Ms. Andrew raised her voice at the resident, stating that she was dirty and had bowel movement on her hands. Ms. Andrew also stated "that's why I don't leave you alone; you play with your poop," or words to that effect. Ms. Andrew then sprayed the resident with Lysol on her body, including her arm, hand and buttocks.
3. Ms. Andrew's behavior was observed by two witnesses, a licensed practical nurse and a nurse

aide, who immediately reported the abuse. Both witnesses testified at the formal hearing that Ms. Andrew left Resident A on the commode, attached to the Sara lift, for an unspecified period of time and then returned carrying supplies. They both testified that they observed Ms. Andrew spray Lysol on Resident A's hands and buttocks.

4. Ms. Andrew's employment with The Gardens was terminated as a result of this incident.

5. Ms. Andrew denied directly spraying Resident A with Lysol, although she did admit to spraying Lysol disinfectant spray around the resident and having it land on the resident. She also admitted that she did leave the resident unattended while she was attached to the Sara lift.

6. Ms. Andrew testified that she was unable to find another employee to assist her with Resident A at the time of the incident, but she provided conflicting testimony about the proximity and availability of other coworkers at the time of the incident.

7. Ms. Andrew also initially testified that she was not currently trying to regain employment at The Gardens, but she then stated that she did want to regain employment at the facility.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 2 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. 2 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**

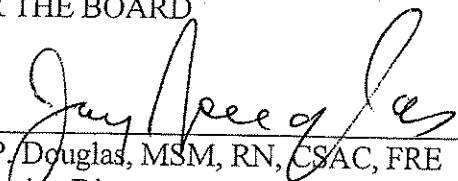
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Certificate No. 1401-103061 of Colleen Andrew, C.N.A., to practice as a certified nurse aide in the Commonwealth of Virginia is hereby REVOKED.

2. The certificate of Ms. Andrew will be recorded as REVOKED and no longer current.
3. A finding of abuse shall be ENTERED against Ms. Andrew 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. Andrew'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 §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.


FOR THE BOARD

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

October 3<sup>RD</sup>, 2013  
ENTERED

### NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

**Certified True Copy**  
By   
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**Virginia Board of Nursing**