

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

AMENDED 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”), Colleen Andrew, C.N.A., who holds Certificate No. 1401-103061 to practice as a nurse aide in Virginia, which expires on April 30, 2014, 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 September 19, 2013, at 2:00 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 Ms. Andrew will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Andrew has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Andrew desires any witnesses to appear on her behalf, she 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 Colleen Andrew, C.N.A., 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 Colleen Andrew, 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 her employment with The Gardens at Warwick Forest, Newport News, Virginia, on or about June 6, 2012, Ms. Andrew transferred Resident A 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 the left side of her body, including her arm, hand and buttocks.

If the Board finds that Colleen Andrew, C.N.A., is in violation of the above allegations 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 Ms. Andrew’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 R.N., M.S.M., C.S.A.C.

Executive Director for the
Board of Nursing

ENTERED: August 13, 2013