

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       LASHA MUSE, C.N.A.  
              Certificate No.: 1401-121532**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on June 18, 2013, in Henrico County, Virginia. Lasha Muse, C.N.A., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 18, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Muse 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. Lasha Muse, C.N.A., was issued Certificate No. 1401-121532 to practice as a nurse aide in Virginia on October 31, 2007. The certificate expired on November 9, 2012.
2. By letter dated February 7, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Muse notifying her that an informal conference would be held on March 6, 2013. The Notice was sent by certified and first class mail to 4029 Virginia Avenue, NW, Roanoke, Virginia, 24017, the address of record on file with the Board of Nursing. Due to inclement weather resulting in the closure of the Department of Health Professions office on March 6, 2013, the informal

conference scheduled for that day was cancelled. By letter dated March 11, 2013, the Board sent a letter to Ms. Muse notifying her that the informal conference was being continued until June 18, 2013. The letter was sent by certified mail and first class mail to 4029 Virginia Avenue, NW, Roanoke, Virginia, 24017, the address of record on file with the Board of Nursing. According to the U.S. Postal Service website, the letter sent via certified mail was delivered on March 13, 2013. The letter sent via first-class mail was not returned. The Agency Subordinate concluded that adequate notice was provided to Ms. Muse, and the informal conference proceeded in her absence.

3. During the course of her employment with Our Lady of the Valley, Roanoke, Virginia, on May 9, 2012, Ms. Muse stole a necklace from Resident A, which she then pawned to a local pawn shop.

4. Ms. Muse's employment with Our Lady of the Valley was terminated as a result of this incident.

5. Ms. Muse denied stealing the necklace to an investigator for the Department of Health Professions; however, she admitted pawning the necklace.

6. On April 2, 2013, Ms. Muse entered a plea of *nolo contendere* in the Circuit Court of the City of Roanoke, Virginia, to one count of grand larceny, a felony. Sentencing is pending.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) and (8) of the Code.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a finding of misappropriation of patient property 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:

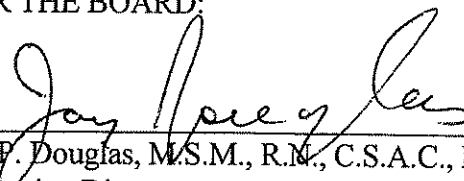
1. The right of Lasha Muse, C.N.A., to renew Certificate No. 1401-121532 is REVOKED.

2. The certificate will be recorded as revoked.
3. A Finding of Misappropriation of Patient Property shall be ENTERED against Ms. Muse 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. Muse'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.

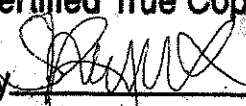
Since Ms. Muse failed to appear at the informal conference, this Order shall be considered final. Ms. Muse has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Muse has thirty (30) days from the date of service (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, Henrico, 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

**Certified True Copy**

By   
Virginia Board of Nursing

Entered: October 2<sup>nd</sup>, 2013