

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AMBER RICHARDS, C.N.A.
Certificate No.: 1401-136786

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 6, 2013, in Henrico County, Virginia. Amber Richards, C.N.A., was present and was not 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. Richards 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. Amber Richards, C.N.A., was issued Certificate No. 1401-136786 to practice as a nurse aide in Virginia on May 12, 2010. The certificate is scheduled to expire on May 31, 2014.
2. By letter dated July 8, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Richards notifying her that an informal conference would be held on August 6, 2013. The Notice was sent by certified and first class mail to 2512 Consolvo Drive, Virginia Beach, Virginia 23454, the address of record on file with the Board of Nursing.
3. During her employment with Virginia Beach Healthcare and Rehabilitation Center, Virginia Beach, Virginia, on November 3, 2012, Ms. Richards and another nurse aide drew a picture of

male genitals on Resident A's chest and abdomen.

4. At the informal conference, Ms. Richards admitted to drawing the picture and expressed remorse for her conduct. Ms. Richards stated that the act was not malicious and that she learned from the incident. Ms. Richards stated it was very bad judgment on her part. Resident A is alert and oriented and consented to the drawing, which was immediately washed off.

5. Ms. Richards was employed at Virginia Beach Healthcare and Rehabilitation Center from October 28, 2011, to November 13, 2012, when her employment was terminated as a result of the above incident.

CONCLUSIONS OF LAW

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

ORDER

WHEREFORE, it is hereby ORDERED as follows:

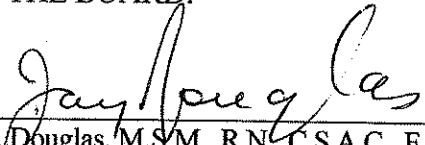
1. Amber Richards, C.N.A., is hereby REPRIMANDED.
2. Ms. Richards shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing Certified Nurse Aides.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Richards may, not later than 5:00 p.m., on **October 28, 2013**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a


request for the hearing, this Order shall be vacated.

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: September 25TH, 2013

This Order shall become final on October 28, 2013; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By _____
Virginia Board of Nursing