

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KASEY EZELL, C.N.A.
Certificate No.: 1401-131586

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 June 20, 2013, in Henrico County, Virginia. Kasey Ezell, C.N.A., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., 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. Ezell 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. Kasey Ezell, C.N.A., was issued Certificate No. 1401-131586 to practice as a certified nurse aide in Virginia on July 29, 2009. The certificate expired on July 31, 2013.
2. By letter dated May 22, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Ezell notifying her that an informal conference would be held on June 20, 2013. The Notice was sent by certified and first class mail to Post Office Box 1543, Clarksville, Virginia 23927, the address of record on file with the Board of Nursing.
3. During her employment at Meadowview Terrace, Clarksville, Virginia, on December 3, 2012, Ms. Ezell failed to care for Resident A, who was assigned to her care, and Ms. Ezell documented that Resident A consumed all of her evening meal even though the next shift found Resident A's plate full of food. During the facility investigation, Ms. Ezell admitted that she did not provide care to Resident A from 6:00 p.m. to 11:00 p.m. Ms. Ezell further stated that "this may not be right for me," referring to her employment as a nurse aide. There was no injury to the resident as a result of Ms. Ezell's action.

4. Meadowview Terrace hired Ms. Ezell in February 2012, and terminated Ms. Ezell's employment in December 2012, as a result of this incident.

5. Ms. Ezell stated she is currently not working as a C.N.A.

Recommended Conclusions of Law

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-25-100(2)(d) and (e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Neglect 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. Certificate No. 1401-131586 of Kasey Ezell, C.N.A., is INDEFINITELY SUSPENDED.

2. The certificate will be recorded as suspended and no longer current.

3. At such time as Ms. Ezell shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a certified nurse aide. Ms. Ezell shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

4. A Finding of Neglect shall be ENTERED against Kasey Ezell, C.N.A., 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. Ezell'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).


5. Since this Finding of Neglect was based on a singular occurrence, Ms. Ezell is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

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. Ezell 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 23RD, 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