

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

EBONI LEVERE, C.N.A.

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4021, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Eboni Levere, C.N.A., who holds Certificate No. 1401-061512, is hereby given notice that, pursuant to § 2.2-4024(F) of the Code, a formal administrative hearing will be held in the presence of a panel of the Board of Nursing ("Board"). The hearing will be held on July 19, 2007, at 9:00 a.m., at the offices of the Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia, at which time Ms. Levere will be afforded the opportunity to be heard in person or by counsel.

At the hearing Ms. Levere 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. Levere desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon evidence that Ms. Levere 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:

1. Eboni Levere, C.N.A. may have violated § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Board of Nursing Regulations in that during the course of her employment with Visiting Angels, Fredericksburg, Virginia, she was assigned to provide home health care to Patient A, a 61-year-old quadriplegic who was totally dependent on others for all activities of daily living. On or about October 6, 2006, Ms. Levere reported for duty with the smell of alcohol on her breath. Subsequently, on or about October

9, 2006, Ms. Levere failed to report for duty, and failed to inform the family or anyone at the home care agency that she would not be reporting for duty. As a result, her employment was terminated.

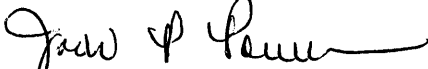
2. Ms. Levere may be in violation of § 54.1-3007(6) of the Code in that:

a. on or about May 16, 2006, she tested positive for marijuana use in a pre-employment drug screen for a nurse aide position with Carriage Hill Nursing and Rehabilitation Center, Fredericksburg, Virginia. As a result, she was deemed not eligible for hire.

b. on or about January 24, 2007, during an interview with a Department of Health Professions Investigator, she admitted to a history of cocaine and marijuana use, as well as a history of clinical depression that requires medication, and for which she has been hospitalized on three occasions, with her most recent admission being in May 2006.

If the Board finds that there is sufficient evidence to find Ms. Levere in violation of the above charge(s) and § 54.1-3007(8) of the Code, the Board shall make a finding of abuse or neglect, 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) of the federal regulations, such a finding will prohibit Ms. Levere'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
Board of Nursing

ENTERED: June 21, 2007