

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ASHLEY SYLVAIN, C.N.A.
Certificate No.: 1401-129757

ORDER

Pursuant to §§ 2.2-4020, 54.1-110, and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on July 16, 2013, in Henrico County, Virginia, to inquire into evidence that Ashley Sylvain, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by James E. Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Braden Curtis, Assistant Attorney General, was present as legal counsel for the Board. Ms. Sylvain was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Ashley Sylvain, C.N.A., was issued Certificate No. 1401-129757 to practice as a nurse aide in the Commonwealth of Virginia on May 2, 2009. Said certificate expired on May 31, 2013.
2. During the course of her employment with Heritage Hall Front Royal, Front Royal, Virginia:
 - a. On April 24, 2012, Ms. Sylvain used profanity while assisting another nurse aide with the showering of Resident A, an elderly resident with dementia.
 - b. On February 8, 2012, housekeeping staff reported that Ms. Sylvain spoke in an inappropriate tone to a resident with dementia.
3. Ms. Sylvain denied these incidents occurred.
4. Ms. Sylvain had been employed at Heritage Hall Front Royal as a nurse aide beginning in

August 2010. Her employment at Heritage Hall Front Royal was terminated as a result of the above incidents.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 2 constitutes a violation of § 54.1-3007(5) of the Code.


ORDER

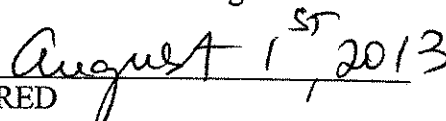
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Ashley Sylvain, C.N.A., is hereby REPRIMANDED.
2. Ms. Sylvain 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 Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing


ENTERED

Certified True Copy
By 
Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.
