

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Ashley Sylvain, C.N.A., who holds Certificate No. 1401-129757, which expired on May 31, 2013, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on July 16, 2013, at 11:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Sylvain will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Sylvain 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. Sylvain desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Ms. Sylvain 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 Ashley Sylvain, C.N.A., may have violated § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides in that during the course of her employment with Heritage Hall Front Royal, Front Royal, Virginia:

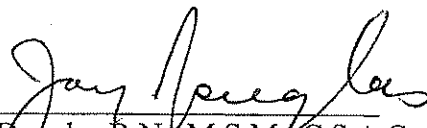
1. On or about April 24, 2012, you used profanity while assisting another nurse aide with the showering of Resident A, an elderly resident with dementia.

2. On or about February 8, 2012, Ms. Sylvain yelled at and acted aggressively toward a resident. Please see Attachment I for the name of the resident referred to above.

If the Board finds that Ashley Sylvain, C.N.A., is in violation of the above allegation and § 54.1-3007(8) of the Code, the Board shall make a Finding of Abuse, 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), such a finding will prohibit Ms. Sylvain'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 for the
Board of Nursing

ENTERED: June 12th 2013