

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:        Robinette Johnson, C.N.A.  
              Certificate No.: 1401-005755**

**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 May 9, 2013, in Henrico County, Virginia. Robinette Johnson, C.N.A., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Johnson 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. Robinette Johnson, C.N.A., was issued Certificate No. 1401-005755 to practice as a nurse aide in Virginia on June 2, 1989. The certificate is scheduled to expire on June 30, 2014.
2. By letter dated April 4, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Johnson notifying her that an informal conference would be held on May 9, 2013. The Notice was sent by certified and first class mail to 631 N. Laburnum Avenue, Apt. Z, Highland Springs, Virginia 23075, the address of record on file with the Board of Nursing. The certified and first class mail was returned to the Board office marked "unable to forward." The Agency Subordinate concluded that adequate notice was provided to Ms. Johnson and the informal conference proceeded in her absence.
3. During the course of her employment with The Laurels of University Park, Richmond,

adequate notice was provided to Ms. Johnson and the informal conference proceeded in her absence.

3. During the course of her employment with The Laurels of University Park, Richmond, Virginia:

a. On October 20, 2012, Ms. Johnson stole a diamond wedding ring set from Resident A, after telling the resident to remove her jewelry in preparation for taking a shower. Ms. Johnson was positively identified by Resident A, an alert and oriented resident. According to the resident, Ms. Johnson was instructed to place the rings on a shelf in the shower room, once back in her room. The resident realized she did not have her rings and asked Ms. Johnson to bring them to her but her rings were not returned.

b. On October 14, 2012, Ms. Johnson stole a gold wedding band from Resident B's necklace which was reported by the resident's daughter. The resident reported that a CNA, later identified as Ms. Johnson, took the necklace off her neck and took the ring. Ms. Johnson was positively identified by Resident B by a picture one of the staff had shown her.

4. Ms. Johnson was employed at The Laurels of University Park from August 31, 2011 to October 30, 2012, when her employment was terminated for the above thefts. Additionally, a warrant for Ms. Johnson's arrest, charging her with one count of felony grand larceny has been obtained, however the Henrico police have been unable to locate Ms. Johnson.

5. On August 10, 1992, Ms. Johnson was convicted of two counts of felony welfare fraud. She was ordered to make restitution in the amount of \$4254.00 and pay court costs of \$428.00.

6. On the employment application with Laurel Health Care Company dated August 26, 2011, Ms. Johnson answered "no" to the question pertaining to criminal convictions, when, in fact, she had the above-referenced conviction.

7. Ms. Johnson did not participate in the Department of Health Professions investigation

and current employment information is unknown.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) and (8) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(4) of the Code.
3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides.
4. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute Findings of Misappropriation of patient property 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:

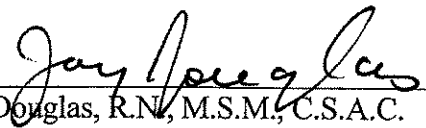
1. Certificate No. 1401-005755 of Robinette Johnson, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. These Findings of Misappropriation of patient property shall be ENTERED against Ms. Johnson in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). These findings prohibit Ms. Johnson'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).

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.

Since Ms. Johnson failed to appear at the informal conference, this Order shall be considered final. Ms. Johnson has the right to appeal this Order directly to the appropriate Virginia circuit court. As


provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Johnson has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

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

Entered: July 24<sup>th</sup>, 2013

Certified True Copy

By   
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Virginia Board Of Nursing