

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TERESA S. HOLLIDAY, C.N.A.
Certificate No.: 1401-012950

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. Teresa S. Holliday, 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. Holliday 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. Teresa S. Holliday, C.N.A., was issued Certificate No. 1401-012950 to practice as a nurse aide in Virginia on July 11, 1989. The certificate is scheduled to expire on July 31, 2013.
2. By letter dated April 4, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Holliday notifying her that an informal conference would be held on May 9, 2013. The Notice was sent by certified and first class mail to 107 Ballards Branch Lane, Galax, Virginia 24333, the address of record on file with the Board of Nursing. The certified mail receipt was signed by Ms. Holliday on April 8, 2013; the first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Holliday and the informal conference proceeded in her absence.

3. During the course of her employment with Grayson Nursing and Rehabilitation Center, Independence, Virginia, on September 23, 2012, while providing care to Resident A, Ms. Holliday told Resident A in a rude and angry manner, that she was tired of her, and ordered her into bed. The incident was witnessed by a visitor at the facility, who reported that Ms. Holliday said, "I've had enough of you today; I'm tired of this; I'm fed up with your mess; you're going to get in this bed whether you like it or not."

4. In her statement to the Department of Health Professions investigator, Ms. Holliday denied making the comments or being rude. Ms. Holliday was employed at Grayson Nursing and Rehabilitation Center from September 27, 2011 to September 28, 2012, when her employment was terminated due to the above incident. Current employment information was not provided. The employment application from Grayson Nursing and Rehabilitation Center indicated that Ms. Holliday had been employed at Pro Careers since April 2008; prior to that, she was employed at Beverly Healthcare from 1986 to 2007.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 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.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Abuse 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:

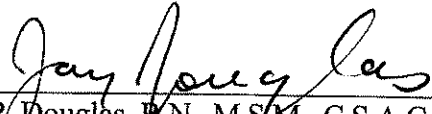
1. Certificate No. 1401-012950 of Teresa S. Holliday, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Teresa S. Holliday, C.N.A., in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2)

and (c)(1)(iv)(D). This finding prohibits Ms. Holliday'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. Holliday failed to appear at the informal conference, this Order shall be considered final. Ms. Holliday 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. Holliday 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



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

Entered: July 24th, 2013

Certified True Copy
By 

Virginia Board of Nursing