

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CLEVEKA PERSON, C.N.A.
Certificate No.: 1401-148927

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 14, 2013, in Henrico County, Virginia. Ms. Person was present and was not represented by legal counsel. Nancy Durrett, R.N., M.S., 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. Person 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. Cleveka Person, C.N.A., was issued Certificate No. 1401-148927 to practice as a nurse aide in Virginia on November 9, 2011. The certificate is scheduled to expire on November 20, 2013.
2. By letter dated April 15, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Person notifying her that an informal conference would be held on May 14, 2013. The Notice was sent by certified and first class mail to 1509 Aberdeen Rd., Hampton, Virginia 23666, the address of record on file with the Board of Nursing, at that time.
3. During her employment at Coliseum Park Healthcare, Hampton, Virginia ("Coliseum Park"), on August 2, 2012, Ms. Person verbally abused a resident who had bowel incontinence by

yelling at said resident in a loud, harsh, and degrading manner. No physical harm was inflicted upon the resident but said resident was scared and confused.

4. A speech pathologist in the room treating the resident's roommate overheard Ms. Person's inappropriate remarks and reported the incident to Coliseum Park's administration.

5. Ms. Person's employment was terminated as a result of this incident.

6. At the informal conference, Ms. Person admitted that she was talking loudly to the resident but stated that she did not intend to be abusive.

7. In submitting her application for employment at Coliseum Park on November 16, 2011, Ms. Person falsified information regarding her prior employment by failing to reveal that her employment had been terminated from Northeastern Homecare, in North Carolina, for dishonest and negligent behavior. Ms. Person's employer stated to an Investigator for the Department of Health Professions that Ms. Person had not reported to care for her client and sent an unlicensed friend in her place.

8. Since March 4, 2013, Ms. Person has been employed at Care Advantage, Newport News. Ms. Person claims she has had no disciplinary actions since being employed.

CONCLUSIONS OF LAW

1. Finding of Fact #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 ("Regulations").

2. Finding of Fact #7 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

3. Finding of Fact #3 and Conclusion of Law #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

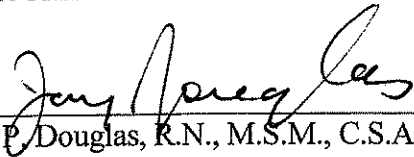
WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-148927 of Cleveka Person, 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 Ms. Person 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. Person'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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Person may, not later than 5:00 p.m., on **August 26, 2013**, notify 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, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

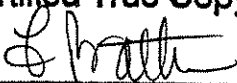


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

ENTERED: July 24th, 2013

This Order shall become final on August 26, 2013; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board Of Nursing