

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: PATTI HICKS, R.M.A.
Registration No.: 0031-001386

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 April 23, 2013, in Henrico County, Virginia. Patti Hicks, R.M.A., was not present nor was she represented by legal counsel. Nancy Durrett, 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. Hicks 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. Patti Hicks, R.M.A., was issued Registration No. 0031-001386 to practice as a medication aide in Virginia on December 3, 2008. The certificate is scheduled to expire on August 31, 2013.

2. By letter dated March 27, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Hicks notifying her that an informal conference would be held on April 23, 2013. The Notice was sent by certified and first class mail to 133 Greenash Lane, Dunnsville, Virginia, 22454, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was not returned to the Board office. The Notices sent via certified mail and via first-class mail were not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided

to Ms. Hicks and the informal conference proceeded in her absence.

3. During the course of her employment with Commonwealth Assisted Living at Kilmarnock, Kilmarnock, Virginia, while serving as shift supervisor on October 14, 2012, Ms. Hicks was observed on video, along with another staff member, physically restraining a combative Resident A by holding him down on a couch against his will for several minutes. There was no injury to the resident.

4. Ms. Hicks stated to an investigator for the Department of Health Professions that she did nothing wrong and did not restrain or help restrain the resident.

5. During the course of Ms. Hicks' employment with Commonwealth Assisted Living:

a. In July 2011, Ms. Hicks failed to administer a PRN medication as ordered by a resident's physician and at the request of the resident. Ms. Hicks was counseled for this incident.

b. She also received counseling for speaking inappropriately to residents in 2011.

6. Ms. Hicks' employment with Commonwealth Assisted Living was terminated following the restraint incident in October 2012. As of the date of her interview with an investigator for the Department of Health Professions, Ms. Hicks was not employed.

CONCLUSIONS OF LAW

Findings of Fact No. 3 and 5(a) through 5(b) constitute violations of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Patti Hicks, R.M.A., is hereby REPRIMANDED.

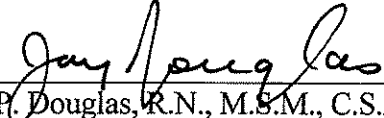
2. Ms. Hicks shall maintain a course of conduct in her capacity as a medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing

Regulations.

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. Hicks failed to appear at the informal conference, this Order shall be considered final. Ms. Hicks 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. Hicks 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 22nd, 2013

Certified True Copy

By 
Virginia Board Of Nursing