

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: PATRICIA WHITE, C.N.A.
 Certificate No.: 1401-046320**

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. Patricia White, C.N.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. White 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. Patricia White, C.N.A., was issued Certificate No. 1401-046320 to practice as a nurse aide in Virginia on August 23, 1994. 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. White notifying her that an informal conference would be held on April 23, 2013. The Notice was sent by certified and first class mail to 1329 South Avenue, Princeton, West Virginia, 24740, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was signed by Ms. White and returned to the Board office on April 2, 2013. The Notice sent via first-class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. White and the informal conference proceeded in her absence.
3. During the course of her employment with Westwood Center, Bluefield, Virginia, on December 3,

2012, Ms. White failed to provide care to Resident A, who was observed by her daughter to still be in bed at 11:30 a.m., unchanged. Resident A, was known to be dying, expired later that same day. She was discovered under a heavy blanket with a dry mouth and with dried fecal matter on her buttocks.

4. During her interview with the investigator for the Department of Health Professions, Ms. White acknowledged that she failed to provide care to Resident A.

5. Resident A's employment with Westwood Center was terminated following this incident. She had been employed there since June 2011.

6. As of January 4, 2013, Ms. White was employed with Southern Hills Mental Health Center.

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 constitutes a Finding of Neglect pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D).

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-0469320 of Patricia White, C.N.A., is INDEFINITELY SUSPENDED for not less than one year.

2. At such time as Ms. White shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent nurse aide practice. Ms. White shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice. The reinstatement of Ms. White's certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.


4. A Finding of Neglect shall be ENTERED against Ms. White 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. White'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).

5. Since this Finding of Neglect was based on a singular occurrence, Ms. White is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

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. White failed to appear at the informal conference, this Order shall be considered final. Ms. White 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. White 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