

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LORE R. STEWART, C.N.A.
Certificate No.: 1401-121887

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. Ms. Stewart was present and was not 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. Stewart 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. Lore R. Stewart, C.N.A., was issued Certificate No. 1401-121887 to practice as a nurse aide in Virginia on November 9, 2007. The certificate is scheduled to expire on November 30, 2013.
2. By letter dated March 27, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Stewart notifying her that an informal conference would be held on April 23, 2013. The Notice was sent by certified and first class mail to 1245 Stewarts Road, Lanexa, Virginia, 23089, the address of record on file with the Board of Nursing.
3. During course of her employment with Eastern State Hospital, Williamsburg, Virginia, on August 21, 2012, Ms. Stewart began to provide morning care for alert but disoriented Resident A.

While she attempted to remove Resident A's gown, Resident A became physically aggressive, started spitting, and scratched Ms. Stewart on the arm. Ms. Stewart held up Resident A's gown between them to prevent spit from landing on her.

4. Ms. Stewart continued attempting to provide care to Resident A after the resident had expressly refused care, and after Ms. Stewart was unable to obtain assistance from other staff members. The resident continued to respond aggressively to Ms. Stewart's repeated attempts to provide care.

5. Ms. Stewart's three-month employment with Eastern State Hospital was terminated following the incident with Resident A.

6. During course of her employment with Sentara Healthcare, Norfolk, Virginia:

a. On April 6, 2011, July 1, 2011, and September 14, 2011, Ms. Stewart failed to properly address residents' toileting needs, and she spoke inappropriately to residents and to family members regarding toileting issues.

b. Ms. Stewart's employment with Sentara Healthcare was terminated on September 15, 2011 "for attitude" as a result of the above incident.

7. Ms. Stewart is currently employed in the bakery section of a restaurant in Busch Gardens.

CONCLUSIONS OF LAW

Findings of Fact Nos. 4 and 6 constitute violations of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Lore R. Stewart, C.N.A., is hereby REPRIMANDED.

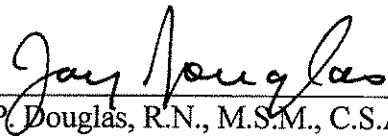
2. Ms. Stewart shall maintain a course of conduct in her capacity as a nurse aide

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Stewart 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 vshe 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 22nd, 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