

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CAROLYN OSBORNE, C.N.A.
Certificate No.: 1401-136621

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 March 26, 2013, in Henrico County, Virginia. Carolyn Osborne, C.N.A., was not present nor was she represented by legal counsel. Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Osborne was not present nor was she represented by legal counsel. Ms. Osborne submitted written comments/objections.

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. Carolyn Osborne, C.N.A., was issued Certificate No. 1401-136621 to practice as a nurse aide in Virginia on May 5, 2010. The certificate is scheduled to expire on May 31, 2013.
2. By letter dated February 15, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Osborne notifying her that an informal conference would be held on March 26, 2013. The Notice was sent by certified and first class mail to 44124 Wilderness Road, Pennington Gap, Virginia 24277, the address of record on file with the Board of Nursing. The certified mail receipt was signed by Ms. Osborne on February 19, 2013. The Agency Subordinate concluded that adequate notice was provided to Ms. Osborne and the informal conference proceeded in her absence.

3. During the course of her employment with Ridgecrest Manor Nursing and Rehabilitation Center, Duffield, Virginia, on April 19, 2012, while changing Resident A, who was diagnosed with dementia and was confused, Ms. Osborne yelled at the resident and was rude to her. Further, during shifts earlier that week, Ms. Osborne cursed at Resident A and made the comment that she was a "hateful witch," which was overheard by her roommate, who was alert and felt to be credible. As a result of this incident, Ms. Osborne's employment was terminated on April 23, 2012.

4. Ms. Osborne denied the allegation and reported to the Department of Health Professions Investigation that she was no longer working as a nurse aide.

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 VAC90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Findings of Fact No. 3 and Conclusions 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

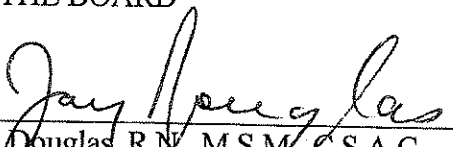
WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-136621 of Carolyn Osborne, 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. Osborne 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. Osborne'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).

Since Ms. Osborne failed to appear at the informal conference, this Order shall be considered final. Ms. Osborne 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. Osborne 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: May 31ST, 2013

Certified True Copy

By 

Virginia Board Of Nursing