

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           ZENOBIA D. WHITFIELD, C.N.A.  
                  Certificate No.: 1401-138245**

**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. Zenobia D. Whitfield, C.N.A., was present and was not 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. Whitfield was not present nor was she represented by legal counsel. Ms. Whitfield 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. Zenobia D. Whitfield, C.N.A., was issued Certificate No. 1401-138245 to practice as a nurse aide in Virginia on June 30, 2010. The certificate is scheduled to expire on June 30, 2013.
2. By letter dated February 15, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Whitfield notifying her that an informal conference would be held on March 26, 2013. The Notice was sent by certified and first class mail to 3220 Kimball Terrace, Norfolk, Virginia 23504, the address of record on file with the Board of Nursing.
3. During the course of her employment at Kindred Traditional Care and Rehabilitation, Norfolk, Virginia:

a. On August 22, 2012, while Ms. Whitfield was changing Resident A, Ms. Whitfield using profanity towards Resident A and handled her in a rough manner. This incident was witnessed by the resident's alert and oriented roommate, who is considered credible.

b. There was no resident harm.

c. On August 22, 2012, between 9:00 p.m. and 9:30 p.m., Ms. Whitfield left the building without notifying her supervisor and failed to return.

d. Ms. Whitfield denied the allegations. She was employed from December 8, 2011, to August 24, 2012, when her employment was terminated.

4. Ms. Whitfield was employed at Sentara Health Care, Norfolk, Virginia, from May 2010, to April 2011, when her employment was terminated for sleeping while on duty. She is currently employed at Thornton Hall.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3(a) 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 No. 3(c) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations.

3. Finding of Fact No. 3(a) and Conclusion 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. 1401-138245 of Zenobia D. Whitfield, 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. Whitfield 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. Whitfield'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 Section 54.1-2400(10) of the Code, Ms. Whitfield may, not later than 5:00 p.m., on **July 5, 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: May 31<sup>ST</sup>, 2013

This Order shall become final on July 5, 2013; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board Of Nursing