

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ANGELA WILSON, C.N.A.
 Certificate No.: 1401-028160**

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 December 4, 2014 in Henrico County, Virginia. Ms. Wilson was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Wilson 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. Angela Wilson, C.N.A. was issued Certificate No. 1401-028160 to practice as a certified nurse aide in Virginia on January 18, 1992. Said certificate is set to expire on January 31, 2015.

2. By letter dated November 14, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Wilson notifying her that an informal conference would be held on December 4, 2014. The Notice was sent by certified and first class mail to 57 Colony Square Court, Apt. 15, Newport News, Virginia, 23602, the address of record on file with the Board of Nursing. Neither the first class mail nor the certified mail was returned to the Board office as of December 4, 2014. The

Agency Subordinate concluded that adequate notice was provided to Ms. Wilson and the informal conference proceeded in her absence.

3. During the course of her employment with Consulate Health Care of Williamsburg, Williamsburg, Virginia, on April 21, 2014, Ms. Wilson improperly transferred a resident without the use of the Hoyer lift and without assistance from a co-worker, as required by the resident's care plan. The resident suffered a fracture of the right humerus and a possible fracture of the distal third of the clavicle.

4. During an interview with an investigator for the Virginia Department of Health Professions, Ms. Wilson admitted she transferred the resident without a Hoyer lift and without assistance and did so because the resident was not heavy and, in her opinion, it was safer than using the Hoyer lift. Ms. Wilson indicated she did not use the Hoyer lift to transfer the resident from her bed to the Geri-chair or from the Geri-chair onto the shower chair. After the shower Ms. Wilson then transferred the resident from the shower to the Geri-chair again by cradling the resident.

5. An investigation conducted by Adult Protective Services and a subsequent report indicated that Consulate staff had made a finding that "although the facility is unable to state that the injuries that [the resident] suffered were the result of Ms. Wilson's improper transfer; we feel that it is the most plausible scenario based on the type of injuries she received and the results of the investigation."

6. Ms. Wilson's employment with Consulate Health Care of Williamsburg was terminated on April 25, 2014. Ms. Wilson's previous employment corrective actions did not include any patient care concerns.

7. Ms. Wilson began employment with Morningside Assisted Living in July, 2014.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007 (2), (5) and (8) of the Code of Virginia (1950), as amended ("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 constitute 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. 1401-028160 of Angela Wilson, C.N.A., is INDEFINITELY SUSPENDED for a period of not less than one year.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Wilson 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 practice as a nurse aide. Ms. Wilson 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.
4. A Finding of Neglect shall be ENTERED against Ms. Wilson 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. Wilson'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. Wilson 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. Wilson failed to appear at the informal conference, this Order shall be considered final. Ms. Wilson 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. Wilson 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, M.S.M., R.N., C.S.A.C., F.R.E., 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


So Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: February 4, 2015

Certified True Copy
By 
Virginia Board Of Nursing