VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SARAH E. GREEN, C.N.A.

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 19, 2007, in Henrico County, Virginia, to inquire into evidence that Sarah E. Green may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Wayne Halbleib, Assistant Attorney General. Ishneila I.G. Moore, Assistant Attorney General, was present as legal counsel for the Board. Ms. Green was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Sarah E. Green was issued Certificate No. 1401-104055 to practice as a nurse aide in the Commonwealth of Virginia on June 16, 2004. Said certificate expires on June 30, 2008.

2. Based upon the representations of Wayne Halbleib, Assistant Attorney General, and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.

3. During her employment with The Woodview, Halifax Regional Health System, South Boston, Virginia ("Woodview"):

a. On July 10, 2005, Ms. Green failed to provide incontinent care to Resident A in a timely manner. Moreover, when she later assisted Resident B, after she had fallen in the bathroom, she stated to the resident, "If you want my help you need to shut up," or words to that effect. She then forcefully

placed Resident B into her wheelchair. The resident was visibly upset and began crying. During this same shift, Ms. Green was overheard telling other residents, "Ya'll have been getting on my nerves all night long," or words to that effect.

b. On August 28, 2005, Ms. Green grabbed two residents who attempted to leave the dining room and forcefully placed them into chairs.

c. Ms. Green's employment at Woodview was terminated September 5, 2005, as a consequence of the above incidents.

4. During her employment with the Chase City Nursing and Rehabilitation Center, Chase City, Virginia ("Chase City"):

a. On October 2, 2006, while assigned to the Alzheimer's unit, Ms. Green aggressively grabbed Resident C by the wrist and pulled the resident back toward her when the resident attempted to walk away as Ms. Green was dressing her.

b. On October 9, 2006, Ms. Green threw a wet washcloth at a resident.

c. Ms. Green's employment at Chase City was terminated on October 10, 2006, as a consequence of the above incidents.

5. Ms. Green's statements indicate that she denies the allegations, including those of abuse.

CONCLUSIONS OF LAW

The Board concludes that:

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 Board of Nursing Regulations ("Regulations").

2. Finding of Fact No. 4 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.

3. The Board also concludes that Findings of Fact No. 3 and 4 and Conclusions of Law Nos. 1 and 2 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

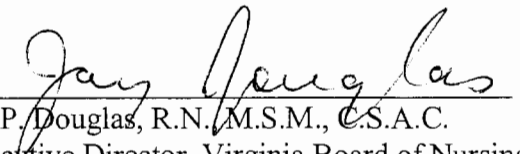
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Certificate No. 1401-104055 issued to Sarah E. Green to practice as a nurse aide in the Commonwealth of Virginia, is hereby REVOKED.

2. A Finding of Abuse shall be ENTERED against Ms. Green 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. Green'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 §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



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

October 18th, 2007
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Richmond,

Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to Sarah E. Green at 734 Magnolia Drive, South Boston, VA 24592.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director for the
Board of Nursing

October 18th, 2007
DATE