

**DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
BOARD OF NURSING**

IN RE: :
Tasha Easterling, CNA – NA0000806152 :
:

ORDER OF THE BOARD

Introduction

On or about May 16, 2018, a “Notice of Intent to Take Disciplinary Action”¹ was executed by the Board Chairperson. The “Notice” was mailed, certified, to Tasha Easterling’s

¹ The “Notice” provided the following:

Charge I: You pled guilty to two misdemeanor charges of credit card fraud arising from stealing one credit card from a resident of a health care nursing facility and one debit card from a coworker, and incurring unauthorized purchases in violation of D.C. Official Code § 3-1205.14(a)(3), (4), (25), (26), (28) (2012 Repl.), for which the Board may take the proposed action pursuant to D.C. Official Code § 3-1205.14(c) (2012 Repl.).

On September 22, 2017, you were accused and charged with Credit Card Fraud and Second Degree Theft for stealing a co-worker’s debit card and currency in the amount of \$15.00. An unauthorized charge of \$735.24 was incurred. On that same date, you were accused and charged with Credit Card Fraud for using a Lisner-Louise-Dickson Hurt Home resident’s credit card to incur unauthorized charges in the amount of \$434.80. On October 17, 2017, you were arrested for these charges. A criminal case was filed in the District of Columbia Superior Court, United States v. Easterling, Tasha, 2017 CMD 017727, alleging two charges of misdemeanor Credit Card Fraud. You entered a plea of not guilty for both charges. On December 13, 2017, during a status hearing you changed your plea to guilty. You entered into a Community Service Deferred Sentencing Agreement. Your next date is June 13, 2018.

Charge II: You violated 42 CFR 488.335 when you misappropriated a resident’s property and used the resident’s credit card for unauthorized expenditures, for which the Board may take the proposed action pursuant to D.C. Official Code § 3-1204.14(a)(3), (4), (c) (2012 Repl.).

The factual allegations in support of Charge I are incorporated here by reference and made a part hereof. You were notified by letter dated February 1, 2018, that [the] Board was considering disciplinary action on a

address of record. On May 22, 2018, the “Notice” was delivered to Tasha Easterling at her address of record and signed for. The signed green card, which served as acknowledgement of receipt, was returned to the Board of Nursing on or about June 4, 2018. The “Notice” informed Ms. Easterling that she had twenty (20) days in which to request a hearing. Ms. Easterling did not request a hearing in the time prescribed or at any other time thereafter.

17 DCMR² § 4103.1 provides in part:

If a person who was sent a notice of a proposed action ... does not mail or deliver a request for a hearing within the time and in the manner required under this section, a board may, without a hearing, take the action contemplated in the notice.

On September 13, 2018, an “Order of Suspension”³ for the nursing assistant certification of Tasha Easterling was executed.

On April 3, 2019, a hearing was convened before the Board of Nursing. The purpose of the hearing was to determine whether Tasha Easterling, CNA, should be placed in the “Certified Nurse Aide Abuse Registry”⁴ pursuant to 42 CFR 483.156(c)(1)(iv)⁵ because of the

complaint against you for misappropriation of a resident’s property. You were also informed that the consequences of a “finding after a hearing that the alleged misappropriation of a resident’s property did occur – credit card fraud involving said resident’s Wells Fargo credit - are that the substantiated findings will be reported within 10 working days to the administrator of Lisner-Louise-Dickson-Hurt Home, the administrator of the facility where you are currently employed, to the District of Columbia Department of Health, Health Regulation and Licensing Administration, Board of Nursing and other applicable licensing boards, and to the nurse aide registry for nurse aides.”

² District of Columbia Municipal Regulations.

³ The “Order of Suspension” provided that Ms. Easterling’s certification would remain suspended until such time that she appeared before the Board and presented, by a preponderance of the evidence, reasons as to why the suspension should be rescinded.

⁴ The “Registry” is maintained by the District of Columbia Department of Health.

⁵ 42 C.F.R. § 483.156(c)(1)(iv) provides in part:

The following information on any finding by the State survey agency of abuse, neglect, or misappropriation of property by the individual: (A) Documentation of the State’s investigation, including the nature of the allegation and the evidence that led the State to conclude that the allegation was valid; (B) The date of the hearing, if the individual chose to have one, and its outcome; and (C) A statement by the individual disputing the allegation, if he or she chooses to make one ...

misappropriation^{6,7} of a resident's property.

Six board members heard the matter.⁸ Van Brathwaite was present as legal advisor and official attorney for the Board of Nursing. Louise Phillips represented the District of Columbia.⁹ Tasha Easterling was in absentia. The Government called Joanne Drozdowski¹⁰ as its first witness. After being duly sworn, Ms. Drozdowski testified that she mailed a "Notice of Hearing" to Tasha Easterling on March 18, 2018. The "Notice" informed Ms. Easterling as to the date, time, and place of her hearing. The "Notice" was delivered to Ms. Easterling's address of record on March 26, 2018 (tr. pp. 14-17).

Ms. Drozdowski testified further that, prior to mailing the "Notice of Hearing", she had prepared and mailed a detailed notice – based on the requirements in the federal regulations – in the form of a letter to Ms. Easterling. Said letter informed Ms. Easterling about the following: the allegations of misappropriation, her right to a hearing, and the Board of Nursing's responsibility to place her on the "Registry" if it determined that she had misappropriated a resident's property or money (tr. pp. 18-19).

The Government called as its next witness Mark Donatelli.¹¹ After being duly sworn, Mr. Donatelli testified that there were allegations that Ms. Easterling had used the credit card of a resident of the Lisner-Louise-Dickson-Hurt Home without his or her authorization. Mr.

⁶ 42 C.F.R. § 488.301 provides:

"Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money without the resident's consent.

⁷ 42 C.F.R. § 488.335 provides in part:

(a)(1) The State must review all allegations of ... misappropriation of resident property ...

⁸ Meedie Bardonille, R.N., Interim Chair; Laverne Plater, R.N., Vice Chair; Rick Garcia, R.N.; Margaret Green, L.P.N.; Crystal Johnson, consumer member; and Nancy Uhland, R.N.

⁹ Louise Phillip is the Assistant Attorney General for the Public Safety Division, Office of the Attorney General.

¹⁰ Ms. Drozdowski is the attorney/investigator for the Board of Nursing.

¹¹ Mr. Donatelli is an investigator for the Board of Nursing.

Donatelli was dispatched by the Board of Nursing to determine the veracity of this allegation (tr. pp. 26-27).

Mr. Donatelli testified that he retrieved a “Community Service Deferred Sentencing Agreement” from D.C. Superior Court. The “Agreement” indicated that Ms. Easterling pled guilty to two counts of fraud (tr. pp. 28-30).¹² Mr. Donatelli testified further that the District of Columbia was awarded \$400.00 in civil penalties for Ms. Easterling’s violation of D.C. Official Code § 22-933.01(a), the Financial Exploitation of a Vulnerable Adult or Elderly Person Act.¹³ At the close of Mr. Donatelli’s testimony, the hearing was concluded.

The Board’s Decision

The Government had the burden of proving by a preponderance of the evidence¹⁴ that Ms. Easterling should be placed in the “Certified Nurse Aide Abuse Registry.” In the matter at bar, the Government had only to prove that Ms. Easterling had engaged in activities to deprive a resident of his or her own property without the resident’s consent.

The Government offered the testimony of investigator Donatelli who stated that he had retrieved documents from D.C. Superior Court that indicated that on or about September 22, 2017, Ms. Easterling was accused of the unauthorized use of a resident’s credit card. This resulted in a loss of \$434.80 for the resident. Ms. Easterling was prosecuted for that crime which led to her pleading guilty for misdemeanor credit card fraud on December 13, 2017.

Based on Mr. Donatelli’s testimony and the documentary evidence, the Board concluded that the Government had provided incontrovertible evidence that Ms. Easterling had

¹² Ms. Easterling was found guilty of two counts of credit card fraud. Both were misdemeanors.

¹³ Exhibit 6.

¹⁴ See Sherman v. Commission on Licensure to Practice the Healing Art, 407 A.2d 595, 600-601 (D.C. 1979) (Due process does not require use of a higher standard of proof than preponderance of the evidence in disciplinary proceedings against health professionals.)

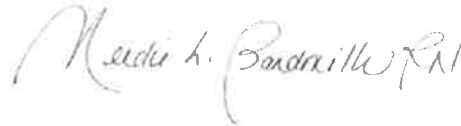
misappropriated the funds of a resident of the Lisner-Louise-Dickson-Hurt Home in September 2017.

ORDER

Based on the aforementioned it is hereby **ORDERED** that the name of Tasha Easterling, CNA – NA0000806152, be placed in the Certified Nurse Aide Abuse Registry¹⁵ and that the interested parties shall be notified of this “**ORDER OF THE BOARD**” pursuant to 42 C.F.R. § 488.335(f).¹⁶

05/16/19

Date



Meedie Bardonille, R.N.
Acting Chair
Board of Nursing

¹⁵ 42 C.F.R. § 483.156(c)(1)(iv)(D) provides in part:

This information ... must remain in the registry permanently, unless the finding was made in error, the individual was found not guilty in a court of law, or the State is notified of the individual's death.

¹⁶ “If the finding is that the individual has ... misappropriated resident property ... the State must report the findings in writing to (1) The individual; (2) The current administrator of the facility in which the incident occurred; and (3) The administrator of the facility that currently employs the individual, if different than the facility in which the incident occurred; (4) The licensing authority for individuals used by the facility other than nurse aides, if applicable; and (5) The nurse aide registry for nurse aides. “

Judicial and Administrative Review
of Actions of the Board

Pursuant to D.C. Official Code § 3-1205.20 (2001):

Any person aggrieved by a final decision of a board or the Mayor may appeal the decision to the District of Columbia Court of Appeals pursuant to § 2-510.

Pursuant to D.C. Court of Appeals Rule 15(a):

Review of orders and decisions of any agency shall be obtained by filing with the clerk of this court a petition for review within thirty days after the notice is given.



Certified True Copy
Conlute A. Wright, RN/BSN