

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

IN RE:

Stacey Dent, CNA – NA0000803469

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ORDER OF THE BOARD

Introduction

On or about December 17, 2017, a “Notice of Intent to Take Disciplinary Action”¹ was executed by the Board Chairperson. The “Notice” was mailed, certified, to Stacey Dent’s address of record. On January 24, 2018, the “Notice” came back to the Board of Nursing

¹ The “Notice” provided the following:

Charge I: You have been convicted of a crime of moral turpitude, for which the Board may take the proposed action pursuant to D.C. Official Code §§ 3-1205.14(a)(4)(C) and (c).

On September 29, 2017, you pled guilty to one count of Theft Second Degree in the District of Columbia Superior Court, and were ordered to pay \$871.25 in restitution to the victim. Specifically, you pled guilty to using a client’s ATM card without permission.

Charge II: You failed to conform to standards of acceptable conduct and prevailing practice within the nursing profession, for which the Board may take the proposed action pursuant to D.C.Official Code §§ 3-1205.14(a)(26) and (c).

From October 17, 2017 through November 2, 2016, you made unauthorized cash withdrawals with a client’s ATM card. Specifically, you made nine ATM cash withdrawals totaling \$1,688.49 from a client’s bank account without that client’s permission.

Charge III: You committed fraud in connection with the practice of nursing, for which the Board may take the proposed action pursuant to D.C. Official Code §§ 3-1205.14(a)(45) and (c).

From October 17, 2016 through November 2, 2016, you made unauthorized cash withdrawals with a client’s ATM card. Specifically, you made nine ATM cash withdrawals totaling \$1,688.49 from a client’s bank account without that client’s permission.

marked, "Return to Sender; Unable to Forward." The "Notice" informed Ms. Dent that she had twenty (20) days in which to request a hearing. Ms. Dent 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 February 16, 2018, an "Order of Revocation"³ for the nursing assistant certification of Stacey Dent was executed.

On September 4, 2019, a hearing was convened before the Board of Nursing. The purpose of the hearing was to determine whether Stacey Dent, 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 misappropriation^{6,7} of a resident's property.

Nine board members heard the matter.⁸ Van Brathwaite was present as legal advisor and official attorney for the Board of Nursing. Christopher Sousa represented the District of Columbia.⁹ Stacey Dent was in absentia.

² District of Columbia Municipal Regulations.

³ Pursuant to D.C. Official Code § 3-1201.01(12A), "'Revocation' means termination of the right to practice a health occupation and loss of licensure, registration, or certification for 5 years or more."

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 ...

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 belongs 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 ...

The Government called Joanne Drozdoski¹⁰ as its first witness. After being duly sworn, Ms. Drozdoski testified that she generated and mailed a “Notice of Hearing” to Stacey Dent on February 16, 2018.¹¹ The “Notice” informed Ms. Dent that the Board would be conducting a hearing to determine if her name should be placed on the Nurse Aide Registry, as a result of the allegations of misappropriation of a resident’s property, pursuant to federal law. USPS Tracking indicated that the Postal Service attempted to deliver the “Order of Revocation” and “Notice” on March 28, 2018, but was unsuccessful was delivered to Ms. Easterling’s address of record on March 26, 2018 (tr. pp. 10-17).

Ms. Drozdoski testified further that on August 12, 2019 she prepared two (2) letters informing Ms. Dent as to the date, time and place of her hearing. The letters were sent to two (2) addresses – one in the District and the other in Temple Hills, Maryland. There was no indication that she had received the letter. Ms. Drozdoski testified that the Tracking website had not been updated since August 21, 2019 (tr. pp. 20-21).

The Government called as its next witness Mark Donatelli.¹² After being duly sworn, Mr. Donatelli testified that he had investigated Ms. Dent for fraud. The investigation revealed that Ms. Dent had used a credit card to make cash advances from the account of a patient “JP” without JP’s knowledge or authorization and that affidavit for an arrest warrant and a judgment had been rendered in her case. Ms. Dent was ordered by the court to pay restitution in the amount of \$871.25 (tr. pp. 22-28).

⁸ Meedie Bardonille, R.N., Interim Chair; Laverne Plater, R.N., Vice Chair; Rick Garcia, R.N.; Margaret Green, L.P.N.; Layo George, R.N.; Monica Goletiani, consumer member; Elizabeth Lamme, R.N.; Thedith Moore, L.P.N.; and Nancy Umland, R.N.

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

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

¹¹ The “Notice” was mailed along with the “Order of Revocation.”

¹² Mr. Donatelli is an investigator for the Board of Nursing.

Detective Mark Milochik was the Government's next witness. He testified that, as a detective in the Financial and Cyber Crimes Unit of MPD, he investigated Stacey Dent between 2016 and 2017. The investigation centered around a complaint that Ms. Dent had used the credit card of "JP" inappropriately and gotten several cash advances with it at 7-Eleven, CVS, and a convenience store (tr. pp. 30-32).

The witness testified further that the complainant's son had given him a spreadsheet that was prepared by the complainant's bank and detailed the cash advances that totaled \$1,694.51. The witness also testified that there were video surveillances made of Ms. Dent withdrawing cash (tr. pp. 33-38).

Detective Milochik testified that when interviewed, Ms. Dent claimed that she was obtaining the cash advances on behalf of the complainant. She also claimed that the complainant was with her during the transactions. However, the complainant denied both of these assertions. The complainant told the detective that she never got cash advances using her credit card as she had no need to make the transactions. When Ms. Dent was shown the video, she confirmed that she was the person seen. The complainant also positively identified her in the video (tr. pp. 39-41).

The Board's Decision

The Government had the burden of proving by a preponderance of the evidence¹³ that Stacey Dent should be placed in the "Certified Nurse Aide Abuse Registry." In the matter at bar, the Government had only to prove that Ms. Dent had engaged in activities to deprive a client of her property without the client's consent.

¹³ 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.)

The Government offered the testimony of Joanne Drozdowski who outlined the steps taken by the Board of Nursing to notify the Respondent of the date, time, and place of the hearing.

In addition, Investigator Mark Donatelli testified that he had investigated Ms. Dent for fraud. The investigation revealed that Ms. Dent had used a credit card to make cash advances from the account of a patient “JP” without JP’s knowledge or authorization and that affidavit for an arrest warrant and a judgment had been rendered in her case. Ms. Dent was ordered by the court to pay restitution in the amount of \$871.25.

To further buttress its case, the Government offered the testimony of Detective Michael Milochik. He testified about his investigation of a complaint made by “JP”. Ultimately it was determined that Stacey Dent had obtained several cash advances with the complainant’s credit card without her permission. When confronted with video evidence of a person obtaining cash advances, she admitted that she was the person seen.

Based on the testimony of Investigator Donatelli and Detective Milochik, and the documentary evidence presented, the Board concluded that the Government had provided incontrovertible evidence that Stacey Dent had engaged in the theft of a client’s funds. Therefore, the Board now issues the following:

ORDER

Based on the aforementioned it is hereby **ORDERED** that the name of Stacey Dent, CNA – NA0000803469, be placed in the Certified Nurse Aide Abuse Registry¹⁴ and that the

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

This information ... must remain in the registry permanently, unless the finding

interested parties shall be notified of this “**ORDER OF THE BOARD**” pursuant to 42 C.F.R. § 488.335(f).¹⁵

11/01/19

Date



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

**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
Concetta Allegretti, RN/BSN

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.

¹⁵ “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. “