

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TIFFANY L. HICKS, R.N.
License Number: 0001-219148
Issue Date: June 23, 2009
Expiration Date: October 31, 2018
Case Number: 177233

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing (“Board”) regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	November 13, 2017 1:00 P.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
 - Exonerate you;
 - Reprimand you;
 - Require you to pay a monetary penalty;
 - Place you on probation and/or under terms and conditions;
 - Suspend your license;
 - Revoke your license.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: **November 2, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **November 7, 2017**. If no objections have been received by **November 7, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **November 9, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **November 2, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **November 2, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **November 7, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion. NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

REQUEST FOR A CONTINUANCE:

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **November 2, 2017** will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **November 2, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Tiffany L. Hicks, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Ms. Hicks violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c), (e), and (f), effective February 24, 2017), in that during the course of her employment with Rocky Mount Rehabilitation and Healthcare Center, Rocky Mount, Virginia, on or about October 29, 2016 and October 30, 2016, she diverted medications from multiple residents for her own personal and unauthorized use and failed to provide documented care to the residents, as evidenced by the following:
 - a. She documented administration of Neurontin 800mg (gabapentin), Lipitor 80mg (atorvastatin), and Levemir 34 units (insulin) at approximately 8:00 p.m. on October 29, 2016 and taking an Accu-check reading at approximately 6:00 a.m. on October 30, 2016 for Resident A. However, Resident A denied receiving any of the medications or having an Accucheck reading.
 - b. She documented administration of a PRN dose of morphine 15mg (C-II) at approximately 8:00 p.m. on October 29, 2016 and administration of Zantac 150mg (ranitidine) at approximately 6:00 a.m. on October 30, 2016 to Resident B. Resident B denied receiving either medication or requesting PRN morphine.
 - c. She documented administering Lasix (furosemide) 40mg to Resident C at approximately 6:00 a.m. on October 30, 2016. Resident C denied receiving the medication.

d. She documented administering PRN oxycodone 5mg (C-II) to Resident D at approximately 7:30 p.m. on October 29, 2016 and Lasix 40mg to Resident D at approximately 6:00 a.m. on October 30, 2016. Resident D denied receiving either medication or requesting PRN oxycodone. Further, Ms. Hicks documented withdrawing a second dose of oxycodone 5mg for Resident D at approximately 1:00 a.m. on October 30, 2016, but did not document administration, waste, or return of the medication.

e. She documented withdrawal of one tablet of oxycodone 5mg for Resident E at approximately 5:30 a.m. on October 29, 2016, but failed to document administration, waste, or return of the tablet.

f. She documented administration of one dose of oxycodone 30mg and one dose of Protonix (pantoprazole) 40mg at approximately 6:00 a.m. on October 30, 2016 to Resident F. However, Resident F denied receiving either medication.


g. She documented withdrawal of one tablet of oxycodone 5mg PRN at approximately 2:00 a.m. for Resident G, but failed to document any administration, waste, or return. Resident G denied requesting or receiving the medication.

h. She documented withdrawal of one tablet of oxycodone 10mg PRN at approximately 3:30 a.m. on October 30, 2016 for Resident H, but failed to document administration, waste, or return. Resident H denied receiving the PRN 10mg dose or her 20mg dose of oxycodone scheduled for 1:00 a.m. on October 30, 2016.


i. She documented withdrawal of one tablet of Norco 7.5mg PRN (hydrocodone, C-II) for Resident I at approximately 2:00 a.m. on October 30, 2016, but failed to document administration, waste, or return. Resident I denied requesting or receiving the medication.

j. She documented withdrawal of one tablet of Norco 10mg PRN at approximately 3:00 a.m. on October 30, 2016 for Resident J, but failed to document administration, waste, or return. Resident J denied requesting or receiving the medication.

See Confidential Attachment for the names of the residents referenced above.



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



Date