

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: SHANA TYLER, C.N.A.
Certificate Number: 1401-157337
Case Number: 174812

RATIFICATION AND ORDER


On July 19, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Shana Tyler, C.N.A., was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, 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. Tyler failed to appear at the informal conference, this Order shall be considered final. Ms. Tyler 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. Tyler has thirty 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 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 days are added to that period.

FOR THE BOARD


for _____

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

Certified True Copy

By 
Virginia Board Of Nursing

ENTERED AND MAILED ON:



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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on April 20, 2017 in Henrico County, Virginia, to inquire into evidence that Shana Tyler, C.N.A., may have violated certain laws and regulations governing the practice of certified Nurse Aides in the Commonwealth of Virginia.

Ms. Tyler did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated March 20, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Tyler notifying her that an informal conference would be held on April 20, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The Notice sent by certified mail was returned to the Board office on April 18, 2017, marked “Unable to Forward.” The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Tyler and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Shana Tyler, C.N.A., was issued Certificate Number 1401-157337 to practice as a nurse aide on December 19, 2012, which is scheduled to expire on December 31, 2017. At all times relevant to the findings herein, said certificate was in full force and effect.

2. Ms. Tyler violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides in that on June 28, 2016, during the course of her employment with The Gardens at Warwick Forest, Newport News, Virginia, while providing care to Resident A, she handled the resident in a rough manner. When the resident told Ms. Tyler to stop because Ms. Tyler was hurting her, Ms. Tyler continued with the care.

3. The charge nurse told Ms. Tyler to stop providing care to the resident because Ms. Tyler was hurting the resident, but Ms. Tyler continued to change the resident.

4. The resident, who was alert and oriented, stated to the nurse manager that she was scared, and had never been treated that way. The resident reportedly asked the charge nurse, “you are the nurse, how can you let them treat me this way?” or words to that effect.

5. On July 20, 2016, Ms. Tyler’s employment with The Gardens at Warwick Forest was terminated.

6. Finding of Fact and Conclusion of Law No. 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.


Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The certificate of Shana Tyler, C.N.A., to practice as a nurse aide in the Commonwealth of Virginia is REVOKED.

2. The certificate of Ms. Tyler will be recorded as REVOKED.
3. A Finding of Abuse shall be ENTERED against Shana Tyler, C.N.A., 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. Tyler'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).

Reviewed and approved on May 22, 2017
By Jane Elliott, R.N., Ph.D.
Agency Subordinate

Certified True Copy
By 
Virginia Board Of Nursing