

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ASHLY NICOLE SHERMAN, R.M.A.
Registration Number: 0031-009264
Case Number: 174440

RATIFICATION AND ORDER

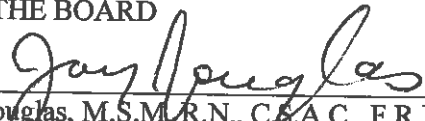
On March 22, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ashly Nicole Sherman, R.M.A., was not present nor was she represented by legal counsel.

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. Sherman failed to appear at the informal conference, this Order shall be considered final. Ms. Sherman 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. Sherman 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 P. 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



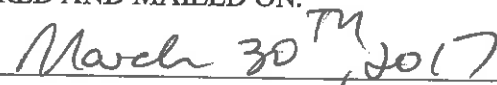
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Certified True Copy

By 

Virginia Board Of Nursing

ENTERED AND MAILED ON:



March 30TH, 2017

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ASHLY NICOLE SHERMAN, R.M.A.
Registration Number: 0031-009264
Case Number: 174440

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on January 10, 2017, in Henrico County, Virginia, to inquire into evidence that Ashly Nicole Sherman, R.M.A., may have violated certain laws and regulations governing the practice of medication aides in the Commonwealth of Virginia.

Ms. Sherman 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 September 13, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Sherman notifying her that an informal conference would be held on November 9, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. Ms. Sherman requested and received a continuance. By letter dated December 8, 2016, the Board sent an Amended Notice of Informal Conference to Ms. Sherman notifying her that an informal conference would be held on January 10, 2017. The Amended Notice was sent by certified and first class mail to the legal address of record on file with the Board. Neither the certified mail nor the certified mail receipt were returned to the Board office. The Amended 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. Sherman and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Ashly Nicole Sherman, R.M.A., was issued Registration Number 0031-009264 to practice as a medication aide on March 14, 2016, which is scheduled to expire on December 31, 2017. At all times relevant to the findings herein, said registration was in full force and effect.

2. Ms. Sherman violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a medication aide due to her admitted addiction to opiates. Further, on June 5, 2016, during the course of her employment with Timberview Crossing Assisted Living, Timberville, Virginia, Ms. Sherman tested positive for opiates during a facility-wide drug screen.

3. Ms. Sherman violated Virginia Code § 54.1-3007(2), (5) and (6) and 18 VAC 90-60-120(2)(c) of the Regulations Governing the Registration of Medication Aides in that on July 21, 2016, during an interview with the Timberville Police Department, Ms. Sherman admitted that during the course of her employment at Timberview Crossing Assisted Living, in September 2015, she diverted 30 hydrocodone (C-II) tablets for her personal and unauthorized use.

4. On July 19, 2016, during an interview with a Department of Health Professions investigator, Ms. Sherman admitted that she had been addicted to opiates for four years. She reported entering substance abuse treatment at Harrisonburg Treatment Center and being on methadone. Ms. Sherman's counselor reported that as of July 28, 2016, all drug screens were negative.

5. As of July 19, 2016, Ms. Sherman remained employed at Timberview Crossing Assisted Living.

6. On November 21, 2016, in the Rockingham County, Virginia, Circuit Court, Ms. Sherman was indicted for possession of a controlled substance, a felony, based on her diversion from

Timberview Crossing Assisted Living. Ms. Sherman pled guilty and was placed on deferred disposition for two years.

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 registration issued to Ashly Nicole Sherman, R.M.A., to practice as a medication aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The registration of Ashly Nicole Sherman, R.M.A., will be recorded as SUSPENDED.
3. Should Ashly Nicole Sherman, R.M.A., seek reinstatement of her registration, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Sherman to demonstrate that she is safe and competent to return to practice as a medication aide. Ms. Sherman shall be responsible for any fees that may be required for the reinstatement and/or renewal of the registration prior to issuance of the registration to resume practice.

Reviewed and approved on February 8, 2017
By Nancy K. Durrett, R.N., M.S.
Agency Subordinate