



COMMONWEALTH of VIRGINIA

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Virginia Board of Nursing
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AMENDED NOTICE OF INFORMAL CONFERENCE
BEFORE AN AGENCY SUBORDINATE

September 21, 2015

Shann K. Hartman, R.N.
1314 Riverfront Ct., Apt. 202
Virginia Beach, VA 23451

CERTIFIED MAIL
9414 7266 9904 2028 4915 20

RE: VA License No.: 0001-170473
Expiration Date: March 31, 2016

Dear Ms. Hartman:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on October 7, 2015, at 2:00 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 et seq. of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws governing professional nursing practice in Virginia.

Specifically, you may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice professional nursing due to mental illness and chemical dependency, as evidenced by the following:

- 1. You received inpatient treatment at the Virginia Beach Psychiatric Center, Virginia Beach, Virginia from on or about January 14 through January 20, 2015 under a temporary detention order for depression and suicidal ideations. Your discharge diagnoses included bipolar disorder, currently depressed and attention deficit disorder.
2. Upon admission to Virginia Beach Psychiatric Center on or about January 14, 2015, you submitted to a urine drug screen that was positive for marijuana.
3. You received inpatient treatment at Virginia Beach Psychiatric Center from on or about March 19 through March 25, 2015 for substance abuse and recurrent manifestations of bipolar

disorder. Your discharge diagnoses included bipolar disorder, depressed without psychotic features, and cocaine and alcohol abuse and dependence.

4. You received treatment at the Dominion Psychiatric Associates for episodic mood disorder, attention deficit disorder with hyperactivity, drug dependence, and borderline personality disorder from on or about November 16, 2009 through on or about January 26, 2015.

5. On or about March 12, 2015, you submitted to a urine drug screen that was positive for cocaine.

6. You have a history of substance abuse, specifically abuse of alcohol, cocaine, and Ativan (lorazepam, C-IV).

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth; or
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license/certificate/registration, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board

may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by October 2, 2015. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on October 7, 2015. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on October 2, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after October 2, 2015 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact our office, at (804) 367-4502.

Sincerely,



Gloria D. Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Amy E. Weiss, Adjudication Specialist
Wendy Morris, R.N., Senior Investigator (Case no. 161223)
Agency Subordinate