

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           PATRICIA GAIL WIBERT, R.M.A.**  
**Registration Number: 0031-006418**  
**Case Number:       172827, 171719**

**RATIFICATION AND ORDER**

On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Patricia Gail Wibert, 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. Wibert failed to appear at the informal conference, this Order shall be considered final. Ms. Wibert 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. Wibert 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



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

ENTERED AND MAILED ON:

Sept 29, 2016

Certified True Copy

By   
Virginia Board Of Nursing

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on July 12, 2016 in Henrico County, Virginia, to inquire into evidence that Patricia Gail Wibert, R.M.A. may have violated certain laws and regulations governing the practice of medication aides in the Commonwealth of Virginia.

Ms. Wibert 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 June 16, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Wibert notifying her that an informal conference would be held on July 12, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was signed by a third party and returned to the Board office on June 22, 2016. The Notice sent via first-class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Wibert and the informal conference proceeded in her absence.

### **Recommended Findings of Fact and Conclusions of Law**

1. Patricia Gail Wibert, R.M.A. was issued Registration Number 0031-006418 to practice as a medication aide on January 3, 2013, expired on August 31, 2016. At all times relevant to the findings herein, said registration was in full force and effect.
2. Ms. Wibert violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-60-120(2)(i) of the Regulations Governing the Registration of Medication Aides in that during the course of her employment with Riverside Assisted Living Facility, Charlottesville, Virginia, on January 6, 2016, Ms. Wibert stole two checks from Resident A, forged the resident's signature on one of the checks and attempted to cash the check for \$250.00.
3. Ms. Wibert violated Virginia Code § 54.1-3007(4) in that on March 20, 2016, she was convicted in the City of Charlottesville, Virginia, General District Court, of petit larceny, a misdemeanor involving moral turpitude, in connection with the theft of the check referenced in Finding of Fact No. 3. Ms. Wibert pled guilty to the charge.
4. Ms. Wibert did not admit or deny the allegation to the investigator for the Department of Health Professions and stated that she did not want to discuss the allegation until she had an attorney.

### **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 right to renew the registration of Patricia Gail Wibert to practice as a medication aide in the Commonwealth of Virginia is REVOKED.
2. The registration of Patricia Gail Wibert will be recorded as REVOKED.

3. Pursuant to Virginia Code § 54.1-2408.2, should Patricia Gail Wibert seek reinstatement of her registration after three years, the reinstatement of her registration shall require the affirmative vote of three-fourths of the members at a formal administrative proceeding convened by the Board. At such time, the burden shall be on Patricia Gail Wibert to demonstrate that she is safe and competent to return to the practice of medication aides. Patricia Gail Wibert 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 August 11, 2016  
By Judith Piersall, R.N., B.S.N.  
Agency Subordinate