

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: JANNA M. SHELTON, C.N.A.**

**Certificate Number: 1401-166910**

**Case Number: 163398, 171905**

**RATIFICATION AND ORDER**

On July 20, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Janna M. Shelton, 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.

Pursuant to Virginia Code § 54.1-2400(K), the Board considered whether to disclose or not disclose Ms. Shelton's health records or health services.

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

**Certified True Copy**

By   
Virginia Board Of Nursing

FOR THE BOARD

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

ENTERED AND MAILED ON:

July 27<sup>TH</sup> 2016

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           JANNA M. SHELTON, C.N.A.**  
**Certificate Number: 1401-166910**  
**Case Number:       163398, 171905**

---

**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

---

**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Nancy Durrett, R.N., M.S., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on June 16, 2016 in Henrico County, Virginia, to inquire into evidence that Janna M. Shelton, C.N.A. may have violated certain laws and regulations governing the practice of nurse aides in the Commonwealth of Virginia.

Ms. Shelton 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 May 18, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Shelton notifying her that an informal conference would be held on June 16, 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 Notice sent via certified mail was delivered to Ms. Shelton's address of record on May 21, 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. Shelton and the informal conference proceeded in her absence.

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

1. Janna M. Shelton, C.N.A. was issued Certificate Number 1401-166910 to practice as a nurse aide on May 22, 2014, which is scheduled to expire on May 31, 2017. At all times relevant to the allegations herein, said certificate was in full force and effect.
2. Ms. Shelton violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a nurse aide as evidenced by the following: on April 30, 2015, she was admitted to the inpatient psychiatric program at Virginia Baptist Hospital, Lynchburg, Virginia, pursuant to a temporary detention order, where she was diagnosed with major depression, recurrent, severe, without psychotic features, and anxiety disorder. Further, she did not schedule a post-discharge appointment for outpatient follow-up as recommended, and she did not respond to the Department of Health Professions' investigator's attempts to contact her.
3. Ms. Shelton was discharged from Virginia Baptist Hospital on May 4, 2015.
4. Ms. Shelton violated Virginia Code § 54.1-3007(4) in that on February 19, 2016, she was convicted in the General District Court of Campbell County, Virginia, of embezzlement, a misdemeanor involving moral turpitude.
5. Ms. Shelton was sentenced to 60 days in jail with 30 days suspended for the embezzlement conviction.

### **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 issued to Janna M. Shelton to practice as a nurse aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The certificate of Janna M. Shelton will be recorded as SUSPENDED.

3. Should Janna M. Shelton seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Janna M. Shelton to demonstrate that she is safe and competent to return to the practice of a nurse aide. Janna M. Shelton shall be responsible for any fees that may be required for the reinstatement and/or renewal of the certificate prior to issuance of the certificate to resume practice.

Reviewed and approved on July 6, 2016  
By Nancy Durrett, R.N., M.S.  
Agency Subordinate