



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

November 17, 2015

Maneika D. Shifflett, R.N., L.N.P.
18 Gander Lane
Gerrardstown, West Virginia 25420

CERTIFIED MAIL
9414726699042028438440

RE: VA RN License No.: 0001-137754
L.N.P. License No.: 0024-171646
License to Prescribe: 0017-141576
Expiration Date: February 29, 2016

Dear Ms. Shifflett:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **December 17, 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”), and 18 VAC 90-30-230 of the Regulations Governing the Licensure of Nurse Practitioners, this informal conference will be held before an agency subordinate of the Board of Nursing and the Committee of the Joint Boards of Nursing and Medicine (“Committee of the Joint Boards”). 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 and regulations governing the practice of professional nurses and nurse practitioners and the prescriptive authority for nurse practitioners in Virginia.

Specifically, during the course of your employment as a psychiatric nurse practitioner with Blue Ridge Counseling Center, Winchester, Virginia:

1. You may have violated §§ 54.1-2957(A), 54.1-2957.01(B), 54.1-3007(2) and (5), 54.1-3303(A) and 54.1-3408(A) of the Code and 18 VAC 90-20-300(A)(2)(a) of the Regulations Governing the Practice of Nursing, 18 VAC 90-30-220(3), (4), and (6) of the Emergency Regulations Governing the Licensure of Nurse Practitioners (*effective May 8, 2013 – November 6, 2014*), and 18 VAC 90-40-130(A)(1) of the Emergency

Regulations for Prescriptive Authority for Nurse Practitioners (*effective May 8, 2013 – November 6, 2014*) in that between August and October 2014, you prescribed oxycodone (C-II) and Xanax (alprazolam, C-IV) to Individual A, a personal friend who had been dismissed as a patient of the practice, and with whom you did not have a bona fide practitioner/patient relationship, outside the knowledge and medical direction and supervision of your collaborating physician.

2. You may have violated §§ 54.1-3007(2) and (5) of the Code and 18 VAC 90-30-220(4) of the Emergency Regulations Governing the Licensure of Nurse Practitioners in that notwithstanding the fact that you did not have a bona fide practitioner/patient relationship with Individual A, you prescribed oxycodone for her complaint of pain despite her history of severe mental illness and polysubstance abuse.

Please see Attachment I for the name of the individual referenced above.

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 of Nursing 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 nursing and/or as a nurse practitioner in the Commonwealth;
- 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(s), 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.

Board's and Committee'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 panels of the Board of Nursing and of the Committee of the Joint Boards. The Board and the Committee 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 Committee, you have the right to a formal administrative hearing before the Board and/or the Committee.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to panels of the Board of Nursing and of the Committee. The Board and the Committee may accept or modify the recommendation, or reject the recommendation. The Board's and Committee's decisions regarding the agency subordinate's recommendation are final orders 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 **December 10, 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 December 17, 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 December 10, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after December 10, 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 of Nursing, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4576.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,



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

Enclosures

cc: Amy Weiss, Adjudication Specialist, Administrative Proceedings Division
Margaret Starks, Senior Investigator (Case No's. 159764/159765)
Agency Subordinate
Margaret Hardy, Esquire, 1111 East Main Street, Suite 2400, Richmond VA 23218