

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SHARON D. ALLS, R.N. REINSTATEMENT APPLICANT
License No.: 0001-193817

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on July 18, 2013, in Henrico County, Virginia, to receive and act upon Sharon D. Alls' application for reinstatement of her license to practice professional nursing in Virginia, which was indefinitely suspended for not less than two years by the Board on December 3, 2010, and to inquire into evidence that Ms. Alls may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Braden Curtis, Assistant Attorney General, was present as legal counsel for the Board. Ms. Alls was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Sharon D. Alls, R.N., was issued License No. 0001-193817 to practice as a professional nurse in Virginia on December 6, 2004. Said license was suspended for not less than two years by Order of the Board on December 3, 2010. Ms. Alls' primary state of residence is Virginia.
2. Ms. Alls was initially placed on probation in 1993, when she was a practical nurse, for diversion of controlled substances and falsification of patient records. She was again placed on probation in 2003, following the falsification of patient records and neglect of patients under her care. In 2004, her probation was continued, and her application for licensure as a professional nurse was approved. In 2005, she

was reprimanded and her probation was continued following a finding that she had violated the terms of her probation.

3. On December 3, 2010, the Board indefinitely suspended Ms. Alls' license for not less than two years following findings that she had failed to apply or remove nitroglycerin patches to numerous residents during the course of her employment with Skyline Nursing and Rehabilitation Center, Floyd Virginia. She also falsified resident MARs to indicate she had either applied or removed the patch as ordered when she had not. Ms. Alls admitted to the allegations. At the time that she committed the violations noted in the 2010 suspension order, Ms. Alls was on probation with the Board.

4. Ms. Alls submitted an application for the reinstatement of her license to practice professional nursing, which was received by the Board on December 6, 2012.

5. On her December 6, 2012, application for reinstatement, Ms. Alls answered "NO" to the question "Has any license issued to you been voluntarily surrendered?" when, in fact, she voluntarily surrendered her North Carolina license to practice practical nursing on February 6, 2003.

6. During the course of her employment with Telerx, Kings Mountain, North Carolina, Ms. Alls worked in a position requiring an active professional nursing license from December 4, 2010, through July 20, 2011, even though she knew her license to practice in Virginia had been indefinitely suspended. This information was revealed on Ms. Alls' reinstatement application in the section where she disclosed her employers since the date of her license suspension. She noted that her reason for leaving the Telerx position, where she had worked from November 2010 through July 2011, was because the "position required an active nursing license."

7. Ms. Alls presented positive letters of recommendation to the Board.

8. Ms. Alls submitted evidence that she has completed more than 105 hours of continuing education courses in 2013, including nursing ethics, critical thinking, and accurate and legal documentation.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 5 constitutes violations of § 54.1-3007(1) of the Code of Virginia (“Code”) and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 6 constitutes violations of §§ 54.1-3007(3) and (5) and 54.1-3008(A)(2) and (5) of the Code.
3. Ms. Alls has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Sharon D. Alls, R.N., is hereby REPRIMANDED.
2. The license of Sharon D. Alls to practice professional nursing in the Commonwealth of Virginia is hereby REINSTATED.
3. Sharon D. Alls is hereby placed on PROBATION for one year of actual nursing employment subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Alls has completed one year of active employment as a professional nurse. The license shall be reinstated without restriction at the conclusion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 *et seq.* and § 54.1-2400 *et seq.* of the Code.
 - b. Ms. Alls shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms.

Alls shall provide the name and address of each employer to the Board.

c. Ms. Alls shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Alls is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Performance Evaluations shall be provided, at the direction of Ms. Alls, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

e. Ms. Alls shall practice nursing only in a supervised employment setting satisfactory to the Board for the first one year after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse who works the same shift, and holds an unrestricted license. For all current nursing, and before beginning or changing nursing employment during this period, Ms. Alls shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

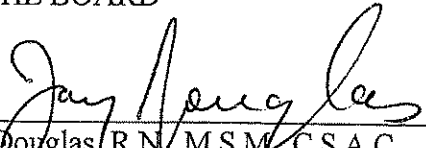
f. Ms. Alls shall provide all current and future treating providers with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

g. Ms. Alls shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

- h. The Board shall issue a license marked "Valid in Virginia Only; Probation with Terms."
- i. Ms. Alls shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.
- j. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Alls and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.
- k. This Order is applicable to Ms. Alls' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Alls shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where he/she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



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

ENTERED August 7th, 2013

Certified True Copy

By 
Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.