

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: SHANN KAY HARTMAN, R.N.
License Number: 0001-170473
Case Number: 172289

RATIFICATION AND ORDER

On January 25, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Shann Kay Hartman, R.N., 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 § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Hartman's health records or health services.

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



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

ENTERED AND MAILED ON:

February 2nd 2017

Certified True Copy

By 
Virginia Board of Nursing

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on November 7, 2016 in Henrico County, Virginia, to inquire into evidence that Shann Kay Hartman, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Hartman 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 October 7, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Hartman notifying her that an informal conference would be held on November 7, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The certified mail receipt was signed and returned to the Board. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Hartman and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Shann Kay Hartman, R.N., was issued License Number 0001-170473 to practice professional nursing on May 26, 2000, which is scheduled to expire on March 31, 2018. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. By Order of the Board entered December 15, 2015 (“Board’s Order”), the Board took no action against Ms. Hartman contingent upon her entering the Health Practitioners’ Monitoring Program (“HPMP”) within 60 days of entry of the Order, due to findings of substance abuse and mental illness, for which she received diagnoses of mood disorder and borderline personality disorder.

3. Ms. Hartman violated Virginia Code § 54.1-3007(6) and Term No. 1 of the Board’s Order in that she has not entered the HPMP.

4. On March 20, 2016, during an interview with an investigator from the Department of Health Professions, Ms. Hartman denied being an alcoholic and stated that she was not going to enter the HPMP.

5. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Hartman’s health records or health services.

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. Shann Kay Hartman, R.N., is REPRIMANDED.
2. The license issued to Shann Kay Hartman, R.N., to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
3. The license of Shann Kay Hartman, R.N., will be recorded as SUSPENDED.

4. This suspension applies to any multistate privilege to practice professional nursing.
5. Should Shann Kay Hartman, R.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Hartman to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Hartman shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on November 21, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing