

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SHANN K. HARTMAN, R.N.
License No.: 0001-170473

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on October 7, 2015, in Henrico County, Virginia. Ms. Hartman was present and was represented by Margaret Hardy, Esquire. Jodi Power, R.N., J.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 18, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Hartman was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Shann K. Hartman, R.N. was issued License No. 0001-170473 to practice professional nursing in Virginia on May 26, 2000. The license is scheduled to expire March 31, 2016. Ms. Hartman's primary state of residence is Virginia.
2. By letter dated September 9, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Hartman notifying her that an informal conference would be held on October 7, 2015. The Notice was sent by certified and first class mail to 1314 Riverfront Ct., Apt. 202, Virginia Beach, Virginia 23451, the address of record on file with the Board of Nursing. By letter dated September 21, 2015, the Board of Nursing sent an Amended Notice of Informal Conference ("Amended

Notice”) to Ms. Hartman notifying her that an informal conference would be held on October 7, 2015. The Amended Notice was sent by certified and first class mail to 1314 Riverfront Ct., Apt. 202, Virginia Beach, Virginia 23451, the address of record on file with the Board of Nursing.

3. Ms. Hartman received inpatient treatment at the Virginia Beach Psychiatric Center, Virginia Beach, Virginia from January 14 through January 20, 2015 under a temporary detention order for depression and suicidal ideations. Ms. Hartman’s discharge diagnoses included bipolar disorder, currently depressed and attention deficit disorder. Ms. Hartman’s discharge prognosis was guarded, and she was instructed to follow up with Dominion Psychiatric Associates, Virginia Beach, Virginia for individual therapy and medication management.

4. Upon admission to Virginia Beach Psychiatric Center on January 14, 2015, Ms. Hartman submitted to a urine drug screen that was positive for marijuana. At the informal conference, Ms. Hartman denied that she had used marijuana.

5. On March 12, 2015, Ms. Hartman submitted to a urine drug screen that was positive for cocaine.

6. Ms. Hartman received inpatient treatment at Virginia Beach Psychiatric Center from March 19 through March 25, 2015 for substance abuse and recurrent manifestations of bipolar disorder. This voluntary admission was based on Ms. Hartman’s fear that she would have a seizure from the amount of alcohol she had consumed and lack of coping skills. Ms. Hartman’s discharge diagnoses included bipolar disorder, depressed without psychotic features, and cocaine and alcohol abuse and dependence. Her secondary discharge diagnoses were passive dependent personality disorder and difficulty with interpersonal relationships. Ms. Hartman’s discharge prognosis was guarded, and she was instructed to be followed at Dominion Psychiatric Associates for individual therapy and medication management.

7. Ms. Hartman has a history of substance abuse, specifically abuse of alcohol and cocaine. She previously received inpatient treatment in 1998 for detoxification from Lortab (hydrocodone/paracetamol, C-II) and in 2006 for a suicide attempt and depression.

8. Ms. Hartman received treatment at the Dominion Psychiatric Associates for episodic mood disorder, attention deficit disorder with hyperactivity, drug dependence, and borderline personality disorder from November 16, 2009 through April 2015, when Ms. Hartman transferred herself to Virginia Behavioral Medicine, Virginia Beach, Virginia because her husband was also a patient Dominion Psychiatric Associates.

9. Ms. Hartman's treating psychiatrist at Dominion Psychiatric Associates, Dr. Cenzone, told an investigator with the Department of Health Professions on March 13, 2015, that Ms. Hartman "could safely practice nursing if she was compliant with her medications and was monitored for abuse of alcohol and cocaine" and that she believed that Ms. Hartman would benefit from the Health Practitioners' Monitoring Program.

10. Since August 2015, Ms. Hartman has been receiving outpatient treatment for mental health issues at Virginia Behavioral Medicine, which includes weekly individual therapy sessions with a LCSW and monthly medication management appointments with a physician's assistant. In a letter dated October 6, 2015, Ms. Hartman's therapist reported that they have a substance abuse program which Ms. Hartman may participate in if deemed necessary. Ms. Hartman is currently prescribed lithium, HCTZ, propranolol, and trazadone.

11. Ms. Hartman denies being an alcoholic or addict despite her treatment history and documented diagnoses.

12. Ms. Hartman reported that she remained out of work from October 2014 through August 2015 because she did not believe she was "ready" to practice nursing given her personal issues.

Previously, Ms. Hartman had been employed with WLB Home Health Care Services from 2011 through 2014 without performance issues. Ms. Hartman reported that she did not have performance-based terminations from any nursing positions since her licensure in 2000.

13. Ms. Hartman reported that she had been employed as a visiting nurse with Hope In-Home Care, Virginia Beach, Virginia since August 2015 and that Hope In-Home Care was aware of this matter before the Board. Ms. Hartman brought to her informal conference a positive letter of reference regarding her nursing performance dated October 1, 2015, from the administrator of the Hope In-Home Care.

14. Ms. Hartman stated that she had not enrolled in the Health Practitioners' Monitoring Program ("HPMP") due to concerns about cost and her desire to continue treatment with her current providers.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3 through 6, and 8 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION contingent on the following conditions:
 - a. Within 60 days of the entry of this order, Shann K. Hartman, R.N. shall provide proof of entry into the HPMP pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 et seq. of the Regulations Governing the HPMP.
 - b. Thereafter, Ms. Hartman shall comply with all conditions and terms of the HPMP for the period of time specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Shann K. Hartman, R.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Hartman shall be noticed to appear before the

Board at such time as the Board is notified that:

- a. Ms. Hartman has failed to make application to the HPMP;
- b. Ms. Hartman is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against Ms. Hartman involving a violation of law or regulation or any term or condition of this Order; or
- d. Ms. Hartman has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Hartman's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Hartman's appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Hartman's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Hartman 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 Ms. Hartman wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

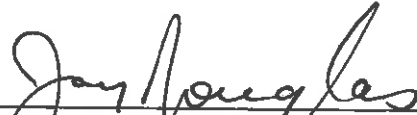
4. Ms. Hartman shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Hartman may, not later than 5:00 p.m., on

January 17, 2016, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:




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

ENTERED: December 15th, 2015

This Order shall become final on January 17, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing