

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

PENNY M. SHIRKEY, R.M.A. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Penny M. Shirkey, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Shirkey's application for registration to practice as a medication aide in the Commonwealth of Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. By application received May 11, 2015, Penny M. Shirkey applied for registration by examination as a medication aide in the Commonwealth of Virginia.
2. On February 26, 2013, Ms. Shirkey was convicted in the Circuit Court for Rockingham County, Virginia, of two counts of embezzlement greater than \$200.00 and ten counts of forgery/uttering, all felonies. Ms. Shirkey was sentenced to 36 years incarceration with 34 years suspended. She was placed on three years supervised probation and ordered to pay costs and restitution.
3. Ms. Shirkey is in compliance with her probation and is making payments towards restitution.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(4) of the Code of Virginia (1950), as amended ("Code").
2. Ms. Shirkey otherwise meets the requirements of § 54.1-3042 of the Code.

CONSENT

Penny M. Shirkey, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her application for registration to practice as a medication aide in Virginia.

ORDER


WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The application of Penny M. Shirkey for registration as a medication aide by examination is hereby APPROVED. Upon successful completion of the Virginia Medication Aide examination, the Board shall issue Ms. Shirkey an unrestricted registration to practice as a medication aide in the Commonwealth of Virginia.
2. Penny M. Shirkey is hereby REPRIMANDED.

3. Ms. Shirkey shall maintain a course of conduct in her capacity as a medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 upon request.

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: October 2, 2015

SEEN AND AGREED TO:


Penny M. Shirkey

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Shenandoah, TO WIT:

Subscribed and sworn to before me, Sara S. Danner, a Notary Public, this 29 day of September, 2015.

My commission expires 1/31/16.

Registration Number 7529849


NOTARY PUBLIC