

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: SHANICE SIMS, C.N.A.  
Certificate No.: 1401-152184**

**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 June 16, 2015, in Henrico County, Virginia. Shanice Sims, C.N.A., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 16, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Sims 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. Shanice Sims, C.N.A., was issued Certificate No. 1401-152184 to practice as a nurse aide in Virginia on May 2, 2012. The certificate expired on May 31, 2015.
2. By letter dated May 21, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Sims notifying her that an informal conference would be held on June 16, 2015. The Notice was sent by certified and first class mail to 16 Hardwick Drive, Apartment 106, Fishersville, Virginia, 22939, the address of record on file with the Board of Nursing. The Notice sent via certified mail was returned unclaimed to the Board office. The Notice sent via first-class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Sims and the informal conference proceeded in her absence.

3. During the course of her employment with Avante of Waynesboro, Waynesboro, Virginia:

a. On April 11, 2014, Ms. Sims made fun of Resident A and of the odor in his room after an episode of incontinence, she refused to clean him, and she jerked his wheelchair while he was in it.

b. On April 14, 2014, Ms. Sims left Resident B on a urine-soaked bed. She raised the head of his bed into a 90-degree position. The position of the bed forced the resident to lie on the bottom half of the bed with half of his body off the bed. While in the resident's presence, she screamed and yelled that she would not take care of that "nasty old man." She threatened to withhold his lunch and breakfast.

4. Residents A and B were both alert and oriented. Both residents identified Ms. Sims by name as the nurse aide who had mistreated them.

5. During her interview with an investigator for the Department of Health Professions, Ms. Sims denied speaking inappropriately to Residents A and B. She denied jerking Resident A's wheelchair and denied being rude to the residents.

6. Ms. Sims' employment with Avante of Waynesboro was terminated.

#### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and 3(b) constitute violations of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Findings of Fact Nos. 3(a) and 3(b) and Conclusion of Law No. 1 constitute a Finding of Abuse pursuant to 42 C.F.R. § 483.156(b)(2) and c(1)(iv)(D) of the Code of Federal Regulations.

#### ORDER


WHEREFORE, it is hereby ORDERED as follows:

1. The right of Shanice Sims, C.N.A., to renew Certificate No. 1401-157777 is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Abuse shall be ENTERED against Ms. Sims in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Sims's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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.

Since Ms. Sims failed to appear at the informal conference, this Order shall be considered final. Ms. Sims 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. Sims has thirty (30) 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 P. Douglas, R.N., M.S.M., C.S.A.C., 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 (3) days are added to that period.

FOR THE BOARD



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

Certified True Copy

By   
Virginia Board Of Nursing

Entered: September 22<sup>nd</sup>, 2015