

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MYESHA L. SHEPHERD, C.N.A.
Certificate No.: 1401-094101**

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 11, 2015, in Henrico County, Virginia. Ms. Shepherd was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Shepherd 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. Myesha L. Shepherd, C.N.A. was issued Certificate No. 1401-094101 to practice as a nurse aide in Virginia on August 24, 2002. The certificate is scheduled to expire on August 31, 2015.
2. By letter dated April 28, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Shepherd notifying her that an informal conference would be held on June 11, 2015. The Notice was sent by certified and first class mail to 20211 Loyal Avenue, South Chesterfield, Virginia, 23803, the address of record on file with the Board of Nursing. The certified mail receipt was returned to the Board office unsigned. The Notice sent by first class mail was not returned the Board office. Ms. Shepherd contacted Board staff on June 5, 2015 and said she planned to attend the informal conference. The Agency Subordinate concluded that adequate notice was provided to Ms. Shepherd and the informal

conference proceeded in her absence.

3. During the course of her employment with the Virginia Department of Behavioral Health and Development Services, Petersburg, Virginia, on September 30, 2014, Ms. Shepherd slept while assigned to monitor a patient one-to-one.

4. Two other staff members observed Ms. Shepherd sleeping.

5. Ms. Shepherd consistently denied the allegations.

6. Ms. Shepherd resigned in lieu of termination on January 8, 2014.

7. Ms. Shepherd was terminated from a previous position at Dunlop House Assisted Living and Specialized Alzheimer's Care, Colonial Heights, Virginia on November 27, 2012 for sleeping on duty.

8. As of December 5, 2014, Ms. Shepherd told an investigator with the Department of Health Professions that she worked at River View on the Appomattox, Hopewell, Virginia.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Neglect pursuant to 42 CFR §483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-094101 of Myesha L. Shepherd, C.N.A. is REVOKED.

2. The certificate will be recorded as revoked and no longer current.

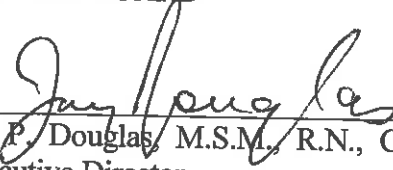
3. A Finding of Neglect shall be ENTERED against Myesha L. Shepherd, C.N.A. in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2)

and (c)(1)(iv)(D). This finding prohibits Ms. Shepherd’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. Shepherd failed to appear at the informal conference, this Order shall be considered final. Ms. Shepherd 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. Shepherd 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, 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 (3) days are added to that period.

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: July 22nd, 2015

Certified True Copy

By L. Pruthi
Virginia Board Of Nursing