

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       SHRI GANDHI, R.M.A.  
              Registration No.: 0031-001997**

**CONSENT ORDER**

By letter dated April 29, 2015, the Board noticed Shri Gandhi, R.M.A., for a formal hearing. In lieu of proceeding to a formal hearing, the Board and Mr. Gandhi, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Mr. Gandhi to practice as a medication aide in Virginia.

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

**FINDINGS OF FACT**

1.       Shri Gandhi, R.M.A., was issued Registration No. 0031-001997 to practice as a medication aide by the Virginia Board of Nursing on January 9, 2005. Said registration is scheduled to expire on August 31, 2015.
2.       During the course of Mr. Gandhi's employment as a registered medication aide with International Rejuvenation Center, Marion, Virginia, Resident A was a resident of the facility. Resident A had a diagnosis of diabetes and a history of a myocardial infarction, after which he received a pacemaker. Resident A also had a history of chronic obstructive pulmonary disease and had schizoaffective disorder and bipolar disorder. Mr. Gandhi, who also holds a license to practice as an assisted living facility administrator, is the owner and administrator of the International Rejuvenation Center.
3.       On January 24, 2014, paramedics responded to a call at the facility regarding Resident A within two minutes of the emergency call. Paramedics found Resident A unable to walk, sitting in a chair, and covered with fecal matter. Facility staff reported to the EMS crew that Resident A had become incontinent during the night. An assessment done on Resident A showed that he was alert and oriented with

slightly slurred speech. His skin was pale and cool and dry. The paramedics stated to police that Resident A's skin was so cold that they were unable to obtain an oxygen saturation level. The paramedics also stated to police that Mr. Gandhi reported to them that Resident A had been deteriorating for three days.

4. Lieutenant Hamm, with the Marion Police Department, reported to the hospital in response to a call from the Department of Social Services, which had been alerted about the situation involving Resident A. On arrival at the hospital, Resident A's body temperature was 94.9 degrees, he had dried feces on him, and he had urinated on himself. His state of mind was described as "altered" and he was not communicating well. The ER physician diagnosed Resident A with hypothermia and shock and he was noted to be disoriented and tachycardic. The officer stated in his report that when Resident A was transported to another hospital with a higher level of care, the officer heard the resident state he had not eaten in more than a day. There was evidence that Resident A had appeared in the dining room and had eaten dinner the evening prior to this incident.

5. During his investigation at the facility, Lt. Hamm noted a strong odor of feces in Resident A's room. A housekeeper reported to him that she had removed a feces-stained mattress from his room that morning. Lt. Hamm was told by facility staff that Resident A had been drinking liquid soap as far back as January 11, 2014, about two weeks before the day of the primary incident.

6. Between November 2013 and January 2014, Mr. Gandhi failed to maintain an accurate medication administration record for Resident A, as evidenced by the following:

a. Resident A's MAR indicated that he was prescribed haloperidol 1 mg and hydroxyzine 50 mg. However, an inspection by the Virginia Department of Social Services revealed that Mr. Gandhi neglected to have physician orders in the facility for these medications. The resident's MAR does not show any administration dates for Haloperidol in December 2013 or January 2014. The resident's Haloperidol injections are administered at a community services board.

b. On November 25, 2013, Resident A was ordered to receive lithium carbonate 300 mg, extended release, twice daily. Resident A's MAR for November 2013 reflected lithium carbonate 150 mg and had "300 mg two times" handwritten in the record. Mr. Gandhi neglected to ensure that the MAR accurately reflected the physician's order.

c. On January 14, 2014, Resident A's physician discontinued Resident A's order for Zypreza (olanzapine) 15 mg one tablet at bedtime. Resident A's new order called for Zyprexa 20 mg, one at bedtime, and Zypreza 10 mg one at bedtime. Resident A's MAR for January 2014 reflected an entry for Zyprexa 15 one tablet at bedtime and had "15 + 15 = 30 mg" handwritten into the record. Mr. Gandhi neglected to ensure that the MAR accurately reflected the physician's order.

7. Mr. Gandhi attended a four-hour refresher course on medication administration on March 11, 2014, and a five-hour continuing education course for medication management in Virginia assisted living facilities on March 12, 2015.

### **CONCLUSIONS OF LAW**

1. Findings of Fact Nos. 3, 4, and 5 constitute a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-60-120(2)(f) of the Regulations Governing the Registration of Medication Aides ("Regulations").

2. Findings of Fact 6(a), 6(b), and 6(c) constitute a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-60-120(2)(f) and (m) of the Regulations, and 18 VAC 90-60-110(A)(2) and (3) of the Regulations.

### **CONSENT**

Shri Gandhi, R.M.A., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his 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. He acknowledges that he has the following rights, among others: the right to a formal fact finding hearing 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 him;
4. He waives all such right to a formal hearing;
5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his right 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. Shri Gandhi, R.M.A., is hereby REPRIMANDED.
2. Mr. Gandhi shall complete a Board-approved 68-hour registered medication aide training course within 90 days of entry of this Order.
3. Mr. Gandhi shall maintain a course of conduct in his capacity as a medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of medication aides in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the registration of Mr. Gandhi and an administrative proceeding shall be convened to determine whether such registration shall be suspended or revoked.

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: June 4, 2015

SEEN AND AGREED TO:

  
Shri Gandhi, R.M.A.

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

Subscribed and sworn to before me, Shri Gandhi, a Notary Public, this 21<sup>st</sup> day of May, 2015.

My commission expires 12/31/2018.

Registration Number 7348260.



  
NOTARY PUBLIC

Certified True Copy

By deborah  
Virginia Board Of Nursing