

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: NANCY SHUMATE, R.N.
 License No.: 0001-073986**

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 16, 2014 in Henrico County, Virginia. Nancy Shumate, R.N. was present and was not 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 January 28, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Shumate 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. Nancy Shumate, R.N. was issued License No. 0001-073986 to practice professional nursing in Virginia on September 4, 1979. The license is scheduled to expire on December 31, 2016. Her primary state of residence is Virginia.
2. By letter dated September 26, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Shumate notifying her that an informal conference would be held on October 16, 2014. The Notice was sent by certified and first class mail to 1055 N. 5th Street, Wytheville, Virginia 24382, the address of record on file with the Board of Nursing.
3. During the course of her employment on a Med/Surg-telemetry unit at Lewis Gale

Hospital, Pulaski, Virginia:

- a. Between January 24, 2014 and March 20, 2014, Ms. Shumate failed to complete assessments on three patients.
 - b. On March 20, 2014, Ms. Shumate failed to ensure that the bed alarm for a patient who she assessed as being a high risk for falls was connected and working. The patient was subsequently discovered on the floor of his room.
 - c. Between February 21, 2014, and February 26, 2014, Ms. Shumate failed to administer PRN or ordered medications to several patients. In addition, she failed to scan medications given and scanned medications that were not given.
 - d. In or about October 2013 and February 2014, Ms. Shumate documented conducting hourly rounds for two patients but failed to actually do so.
 - e. On February 25, 2014, Ms. Shumate documented changing a patient's wound dressing but failed to actually do so.
4. At the informal conference, Ms. Shumate indicated that she made so many errors because the unit was very busy and she was overburdened with patients. However, there was no indication in the record that Ms. Shumate was ever assigned as many patients at one time as she stated she was assigned.
 5. Ms. Shumate's employment with Lewis Gale Pulaski was terminated on March 21, 2014. She had been employed there for 16 months. Previously, she was employed with Wythe County Hospital from 1979 until she resigned 2002. Her subsequent employment with Southwestern Virginia Mental Health Institute was terminated in 2008 due to her poor documentation. She then worked at two other hospitals in Southwest Virginia for approximately one year. Currently, she is employed as a floor nurse with a long-term acute care facility in Greensboro, North Carolina.
 6. Ms. Shumate has been a Registered Nurse for 35 years.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a), (b), and (c) constitute a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Findings of Fact Nos. 3(d) and (e) constitute a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Nancy Shumate, R.N. is hereby REPRIMANDED.
2. Ms. Shumate shall provide the Board with verification that she has completed the NCSBN online courses *Documentation: A Critical Aspect of Client Care* and *Professional Accountability & Legal Liability for Nurses* within 60 days of the entry of this Order.
3. Ms. Shumate 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.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Shumate and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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. Shumate may, not later than 5:00 p.m., on

March 11, 2015, 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 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:

for Kelvia Mitchell-Lively
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: February 6th, 2015

This Order shall become final on March 11, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By: [Signature]
Virginia Board of Nursing