



COMMONWEALTH of VIRGINIA

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Director

Department of Health Professions

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Virginia Board of Nursing
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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

October 22, 2014

Hansaben Shah, R.M.A.
221 West Main Street
Marion, Virginia 24354

CERTIFIED MAIL
9414726699042003222385

RE: VA Registration No.: 0031-002865
Expiration Date: June 30, 2015

Dear Ms. Shah:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **November 25, 2014 at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing practice as a medication aide in Virginia.

Specifically, during the course of your employment with the International Rejuvenation Center, Marion, Virginia:

1. You may have violated §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-60-120(2)(f) of the Regulations Governing the Registration of Medication Aides ("Regulations"), in that you failed to provide adequate care to a resident. On or about January 24, 2014, emergency responders found the resident covered in fecal material from head to toe. At the time of their arrival the emergency responders noted the resident was weak, had slurred speech, was wheezing and had cold extremities. Once at the hospital the resident had a core temperature of 94.9. The resident had an altered mental status, was noted to be hypothermic, was in respiratory distress, was suffering from severe dehydration and renal failure and appeared to have sepsis. The hospital also noted that the resident had bruising on his legs, back and buttocks, consistent with someone lying in one place for an extended period of time. Additionally, you noticed the resident in need of care at approximately 6:00 a.m., but you did not render him aid; you called your co-worker and emergency responders were not called until 9:19 a.m.

2. You may have violated §54.1-3007(2), (5) and (8) of the Code, 18 VAC 90-60-120(2)(f) and (m) and 18 VAC 90-60-110(A)(2) and (3) of the Regulations in that between November 2013 and January 2014 you failed to follow physician orders and you failed to maintain an accurate medication administration record (“MAR”), as evidenced by the following:

a. The resident’s (“MAR”) indicated the resident was ordered to receive Divalproex 500 mg, Haloperidol 1 mg, IM, Hydroxyzine 50 mg and Temazepam 15 mg daily. However, physician orders for these medications were not found during an inspection by the Department of Social Services (DSS). Additionally, the start dates for these medications on pharmacy records did not coincide with the MAR.

b. The resident’s MAR does not show any administration dates for Haloperidol in December 2013 or January 2014.

c. On November 25, 2013 the resident was ordered to receive lithium carbonate, 300 mg, extended release, two tablets, twice daily. The MAR for November 2013 indicates Lithium Carbonate, 150 mg and has “300 mg two times” handwritten in.

d. On or about January 14, 2014 the resident’s physician discontinued Zyprexa (Olanzapine), 15 mg, one tablet at bedtime. The new physician order indicated that the resident was to receive Zyprexa, 20 mg, one tablet at bedtime and Zyprexa, 10 mg, one tablet at bedtime for a total of 30 mg. The MAR for January 2014 shows Zyprexa 15 mg one tablet by mouth at bedtime and has “15 + 15 = 30 mg” handwritten in.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a medication aide in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your registration, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Board’s Review of Agency Subordinate’s Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the

recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by November 17, 2014. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on November 25, 2014. A request to continue this proceeding must state in detail the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on November 17, 2014. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after November 17, 2014 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4614.

Sincerely,



Brenda Krohn, R.N., M.S.
Deputy Executive Director

BK/fdb
Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Wendy Deaner, Adjudication Specialist
James Wall, Senior Investigator (Case No. 155400)
Agency Subordinate