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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SHANNON DALTON, C.N.A.  
Certificate No.: 1401-123062

CONSENT ORDER

By letter dated January 13, 2015, the Virginia Board of Nursing ("Board") noticed Ms. Dalton for a formal hearing. In lieu of proceeding to a formal hearing, the Board and Ms. Dalton, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the certificate of Ms. Dalton to practice as a nurse aide in Virginia.

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

FINDINGS OF FACT

1. Shannon Dalton, R.M.A., was issued Certificate No. 1401-123062 to practice as a nurse aide by the Virginia Board of Nursing on February 28, 2008. Said certificate was suspended by an Order of the Board entered January 13, 2015. Ms. Dalton also held Registration No. 0031-003155 to practice as a medication aide in Virginia, which expired on August 31, 2014. Ms. Dalton's right to renew her registration was suspended by Order of the Board entered January 13, 2015.
2. During the course of her employment with Friendship Assisted Living Facility, Roanoke, Virginia:
  - a. Between October, 2013, and March, 2014, Ms. Dalton, diverted oxycodone (Schedule II) from Resident A, for her own unauthorized and/or personal use, and falsely documented the medication administration on the medication administration record and/or the narcotic dispensing log. Ms. Dalton indicated in January 2014 that she "probably gave [Resident A] one out of every five pills, maybe more" and in February 2014 she indicated that she administered oxycodone to Resident A "maybe not at all."

b. Between September, 2013, and July, 2014, Ms. Dalton, diverted Endocet (oxycodone-acetaminophen, Schedule II) from Resident B, for her own unauthorized and/or personal use, and often provided tablets to a fellow C.N.A. In addition, Ms. Dalton falsely documented the administration on the medication administration record and/or the narcotic dispensing log. Ms. Dalton indicated she diverted the Endocet for her co-worker every time she was assigned to pass medications and her co-worker was working.

c. While on duty, Ms. Dalton and a fellow C.N.A. snorted crushed pills in the facility bathroom; Ms. Dalton estimated this occurred ten to twenty times. Ms. Dalton indicated she would sometimes take the pills by mouth rather than snort them.

d. On July 15, 2014, the facility requested Ms. Dalton to submit to a drug screen; a hair sample was provided and Ms. Dalton tested positive for cocaine. Ms. Dalton indicated she had done “one line of coke” at a party sometime in April, “because it was there.” In addition, Ms. Dalton indicated she had a prior addiction to cocaine from 2006 to March 21, 2011, but was clean until April, 2014.

e. On or about November 17, 2014, an investigator with the Virginia Department of Health Professions requested Ms. Dalton submit to a urine drug screen. Ms. Dalton declined the request and informed a Special Agent with the Virginia State Police that she did so because she had snorted “a line” of heroin the night before.

3. Ms. Dalton resigned from Friendship Assisted Living Facility on July 22, 2014, while the facility investigation was pending. Ms. Dalton was employed by Friendship Assisted Living Facility for less than one year.

4. Ms. Dalton is currently employed by Nurse Finders, Roanoke, Virginia, but was suspended as of November 17, 2014, pending the Virginia Department of Health Professions investigation.

#### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2(a) and 2(b) constitute a violation of §54.1-3007(2), (5) and (6) of the

Code and 18 VAC 90-25-100(2)(c) and (d) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 2(c) constitutes a violation of §54.1-3007(5) and (6) of the Code.
3. Findings of Fact Nos. 2(d) and 2(e) constitute a violation of §54.1-3007(6) of the Code.

### CONSENT

Shannon Dalton, C.N.A., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her 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. She acknowledges that she 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 her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice as a nurse 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. Certificate No. 1401-123062 of Shannon Dalton, C.N.A., is INDEFINITELY SUSPENDED.
2. The certificate will be recorded as suspended and no longer current.

3. At such time as Ms. Dalton shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a nurse aide. Ms. Dalton shall be responsible for any fees that may be required for the reinstatement and renewal of the certification prior to issuance of the certification to resume practice.

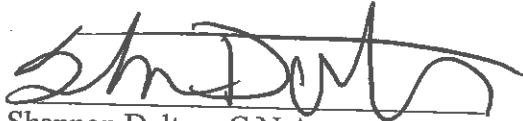
Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director, Virginia Board of Nursing

ENTERED: March 3, 2015

SEEN AND AGREED TO:

  
Shannon Dalton, C.N.A.

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

Subscribed and sworn to before me, Virginia Merrill Johnson Notary Public, this 4<sup>th</sup> day of February, 2015.

My commission expires 4/30/2017

Registration Number 9554269

  
NOTARY PUBLIC

Certified True Copy

By dgraham  
Virginia Board Of Nursing

