

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: TARA FOREMAN, L.P.N.
License No.: 0002-088798**

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. Ms. Foreman 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. Foreman Ms. Foreman 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. Tara Foreman, L.P.N. was issued License No. 0002-088798 to practice as a practical nurse in Virginia on April 1, 2013. The license is scheduled to expire on January 31, 2017. Ms. Foreman also held Certificate No. 1401-117391 to practice as a certified nurse aide. Her certificate expired on January 31, 2014. Ms. Foreman's 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. Foreman notifying her that an informal conference would be held on October 16, 2014. The Notice was sent by certified and first class mail to 6335 Wellington Street, Apt. B, Norfolk, Virginia, the address of record on file with the Board of Nursing.

3. During the course of her employment with Continuum Pediatric Nursing, Chesapeake, Virginia:

a. On December 21, 2013 Ms. Foreman was scheduled to work 7:00 a.m. to 11:00 p.m. at her assigned pediatric patient's residence. By her own admission, she did not work on that date. She documented nurse's notes and time sheets as if she had worked her entire shift. In addition, Ms. Foreman documented on the medication administration record that she had administered the patient's medications throughout the day, when in fact she had not. At the informal conference Ms. Foreman indicated she was at the home that morning but no one came to the door. She tried numerous times to contact the mother. She left the home but did submit documentation to her employer indicating she had worked the entire day.

b. On December 28, 2013 Ms. Foreman was scheduled to work 7:00 a.m. to 11:00 p.m. at her assigned pediatric patient's residence. By her own admission, Ms. Foreman left the home at 9:00 p.m. Ms. Foreman submitted time sheets indicating that she had worked her entire shift and her nurse's notes were documented through 11:00 p.m. In addition, Ms. Foreman failed to document administration of the patient's medications on the medication administration record on this date.

c. On January 4, 2014 Ms. Foreman was scheduled to work 7:00 a.m. to 11:00 p.m. at her assigned pediatric patient's residence. By her own admission, Ms. Foreman left the residence at 9:00 p.m. She submitted time sheets indicating she had worked her entire shift and her nurse's notes were documented through 11:00 p.m.

d. On December 7, 2013, December 8, 2013, December 14, 2013, December 15, 2013, and December 22, 2013 Ms. Foreman failed to document administration of medications to the patient on the patient's medication administration record. At the informal conference she indicated she had fallen into bad habits and often documented medication administration at the end of her weekend

shift.

4. Ms. Foreman stated she has learned to document at the appropriate time and to not do any favors for the patient and/or the family. She has also learned to report anything out of the ordinary to her employer.

5. Ms. Foreman was terminated from Continuum Pediatric Nursing on January 28, 2014.

6. Ms. Foreman is currently employed with Maxim Healthcare as a home health nurse. She is also currently employed with Heritage Hall.

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)(e) and (f) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Finding of Fact No. 3(d) constitutes 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.

ORDER

WHEREFORE, it is hereby ORDERED that Tara Foreman, L.P.N., shall be placed on PROBATION for one year of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Foreman has completed one year of actual nursing practice in employment as a licensed practical nurse (“practice employment”). The license of Ms. Foreman shall be reinstated without restriction at the completion of the probationary period without an administrative hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision with the Administrative Process Act, §2.2-4000 et seq. and

§54.1-2400(9) et. seq. of the Code.

2. Ms. Foreman shall cause performance evaluations to be provided to the Board, at the direction of Ms. Foreman, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.

3. Ms. Foreman shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports must be submitted whether Ms. Foreman has current practice employment or not.

4. Ms. Foreman shall practice only in a structured/supervised practice employment setting satisfactory to the Board for the first year of probation. This employment setting shall provide on-site supervision by a professional nurse or licensed practical nurse, who works the same shift, and holds an unrestricted license. For all current practice employment, and before beginning or changing practice employment during this period, Ms. Foreman shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

5. Ms. Foreman shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Foreman shall provide a contact name, address and phone number for each practice employer to the Board.

6. Ms. Foreman shall inform all current and future practice employers that the Board has placed her on probation and Ms. Foreman shall provide each practice employer with a complete copy of this Order. If Ms. Foreman is employed through a staffing agency, she shall inform her supervisor at each facility where assigned that she is on probation.

7. Ms. Foreman shall provide the Board with verification that she has completed the following NCSBN online courses within 60 days of the entry of this Order: *Documentation: A Critical*

Aspect of Client Care, Ethics of Nursing Practice, and Professional Accountability & Legal Liability for Nurses.

8. Ms. Foreman shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an *Authorization for Disclosure of Information* form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court appointed probation or parole officers, and any consultants designated by the Board, if applicable.

9. Written reports are required by the Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. Many of the required report forms are available on the Board's website for your convenience.

10. Ms. Foreman shall return all copies of her license to practice practical nursing to the Board office within ten days of the date of entry of this Order, along with payment of a duplicate license fee as specified in the regulations governing nursing. Upon receipt, the Board shall issue a replacement licensed practical nurse license marked "Valid in Virginia Only; Probation with Terms."

11. Ms. Foreman shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

12. This Order is applicable to Ms. Foreman's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Foreman shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of both the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Foreman wishes to work. Any requests for out of state employment should be directed, in writing, to the

Executive Director of the Board.

13. Any violation of the stated terms and conditions contained in this Order, failure to comply with all terms of this Order within five years of the date of entry of the Order, or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall be reason for suspending or revoking the license of Ms. Foreman, and an administrative hearing may be held to determine whether her 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. Foreman may, not later than 5:00 p.m., on March 15, 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 he/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:

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

ENTERED: February 10, 2015

This Order shall become final on March 15, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *[Signature]*
Virginia Board of Nursing