

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MICHELLE SHOCKEY, R.N.
 License No.: 0001-168293**

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 June 17, 2014, in Henrico County, Virginia. Michelle Shockey, R.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Shockey 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. Michelle Shockey, R.N., was issued License No. 0001-168293 to practice professional nursing in Virginia on January 14, 2000. The license is scheduled to expire on May 31, 2015. Her primary state of residence is Virginia.

2. By letter dated May 14, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Shockey notifying her that an informal conference would be held on June 17, 2014. The Notice was sent by certified and first class mail to 365 Walton Street, Strasburg, Virginia 22657, the address of record on file with the Board of Nursing.

3. On October 8, 2010, Ms. Shockey signed a Recovery Monitoring Contract with the

Health Practitioners' Monitoring Program ("HPMP") in which she acknowledged being unable to safely practice due to substance abuse.

4. During the course of her employment with Westminster Canterbury, Winchester, Virginia, from October 13, 2011 to July 20, 2012, Ms. Shockey diverted hydrocodone tablets from resident stock for her personal and unauthorized use. Ms. Shockey accomplished the diversion by withdrawing the medication, documenting it as administered and/or wasted, and keeping it for herself. Further, Ms. Shockey falsified medical records by documenting that the residents vomited the medication when they had not actually received it.

5. Ms. Shockey submitted a letter on July 6, 2012, resigning from her employment at Westminster Canterbury as of August 10, 2012; however, her employment was suspended on August 2, 2012.

6. On December 7, 2012, Ms. Shockey received a stay of disciplinary action regarding the incident of drug diversion from Westminster Canterbury, referenced in Findings of Fact 4 and 5. On September 5, 2013, the stay was vacated due to Ms. Shockey's relapse with Vicodin (hydrocodone, Schedule III) in June 2013. On March 20, 2014, Ms. Shockey was dismissed from the HPMP for noncompliance. Specifically, Ms. Shockey accepted a nursing position at Skyline Terrace Nursing Home prior to approval by the HPMP and dispensed narcotics without approval.

7. During the course of her employment with Skyline Terrace Nursing Home, Woodstock, Virginia, on February 20, 2014, Ms. Shockey attempted to enter the narcotics box, and on February 18, 2014, Ms. Shockey administered hydrocodone (Schedule III), although she was not permitted to administer narcotics.

8. Ms. Shockey was employed at Skyline Terrace Nursing Home from February 17, 2014, until February 20, 2014, when she self-terminated her employment.

9. Ms. Shockey reported a sobriety date of June 24, 2013. She attends Narcotics Anonymous two times a week and has a sponsor. Ms. Shockey is employed at Sheetz convenient store and she stated that she is willing to re-enter the HPMP.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 6 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Regulations Governing the Practice of Nursing.
3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-168293 of Michelle Shockey, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Shockey shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Shockey shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon proof of entry into the HPMP pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and

conditions shall apply:

a. Ms. Shockey shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Michelle Shockey, R.N., and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Shockey is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Shockey's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Shockey involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Shockey's participation and successful completion of the HPMP, the Board, at its discretion, may waive her appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

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

8. Ms. Shockey 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.

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. Shockey may, not later than 5:00 p.m., on **November 9, 2014**, 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:

J.P. *Glenn Mitchell*
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: *October 7, 2014*

This Order shall become final on **November 9, 2014**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *Y. Robinson-Hawes*
Virginia Board of Nursing