

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**ELSABET WOLDEMARIAM, L.P.N.  
LICENSE NO.: 0002-079543**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on November 17, 2011, in Henrico County, Virginia, to inquire into evidence that Elsabet Woldemariam, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Howard Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Woldemariam was present and was represented by James DeVita, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Elsabet Woldemariam, L.P.N., was issued License No. 0002-079543 to practice as a practical nurse in the Commonwealth on December 8, 2008. Said license is scheduled to expire on December 31, 2012. Ms. Woldemariam's primary state of residence is Virginia.
2. During the course of her employment with Emeritus of Arlington, Arlington, Virginia, on nine (9) days in May 2009, Ms Woldemariam failed to administer a nebulizer treatment, specifically, ipratropium bromide, to Resident A, as prescribed by Resident A's physician.

3. On each of the occasions in May 2009 that Ms. Woldemariam failed to administer the medication specifically ordered for Resident A, Ms. Woldemariam falsely documented the administration of the nebulizer in Resident A's medication administration record ("MAR").

4. Greg McCain, General Manager of Williamson's Pharmacy, testified that there were no orders sent to the pharmacy for ipratropium bromide for Resident A between February 21, 2009, through September 3, 2009. Williamson's Pharmacy dispensed all prescribed medication for Resident A. According to pharmacy records and the resident's daughter, who was responsible for the payment of the pharmacy charges, there should have been no stock of ipratropium bromide for Resident A in the facility after February 28, 2009 if the medication had been administered in accordance with the physician's order.

5. Resident A's daughter testified that when she reviewed the MAR, she noticed that there were entries in the MAR, on May 9 and 23, 2009, indicating the administration of the ipratropium bromide when she was in her mother's apartment after 5:30 p.m. On those two days in particular, Resident A's daughter did not observe the administration of the nebulizer treatment as indicated in the MAR to her mother. She further testified that Williamson's Pharmacy was the only source of her mother's medicine.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Finding of Fact No. 2 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 Governing the Practice of Nursing ("Regulations")
2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

### **ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Elsabet Woldemariam, L.P.N., is hereby placed on PROBATION subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Woldemariam has completed two years of active employment as a licensed practical nurse. The license of Ms. Woldemariam shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegations 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 in accordance with the Administrative Process Act, § 2.2-4300 et seq. and § 54.1-2400(9) of the Code of Virginia (1950), as amended ("Code").

b. Ms. Woldemariam shall inform the Board in writing within ten days of the date she begins nursing practice or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Woldemariam shall provide the name and address of each employer to the Board.

c. Ms. Woldemariam shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Woldemariam is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Performance evaluations shall be provided, at the direction of Ms. Woldemariam, by all nursing employers, as provided by the Compliance Division. The first report must be 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.

e. Ms. Woldemariam shall practice nursing in a structured/supervised employment setting satisfactory to the Board for one year after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse, who works the same shift and works on the same level of the building and holds an unrestricted license. For all current employment, and before beginning or changing

nursing employment during this period, Ms. Woldemariam shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

f. Ms. Woldemariam shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be 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.

g. Ms. Woldemariam shall return all copies of her license to practice as a practical nurse to the Board office within ten days of the date of entry of this Order along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

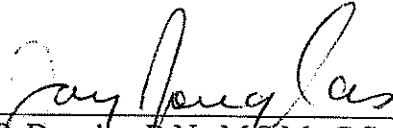
h. Ms. Woldemariam shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

i. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Woldemariam and an administrative proceeding shall be held to decide whether her license shall be revoked.

2. This Order shall be applicable to Ms. Woldemariam's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Woldemariam may 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.

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 on request.

FOR THE BOARD



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Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director  
Virginia Board of Nursing

December 9<sup>th</sup>, 2011

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ENTERED

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.