

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: HAPPIE HARRIS, R.M.A.
 Registration No. 0031-004843**

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 August 23, 2012, in Henrico County, Virginia. Happie Harris, R.M.A., was present and was not represented by legal counsel. Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 14, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Harris 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. Happie Harris, R.M.A., was issued Registration No. 0031-004843 to practice as a medication aide in Virginia on March 8, 2011. The registration is scheduled to expire on March 31, 2013.
2. By letter dated July 31, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Harris notifying her that an informal conference would be held on August 23, 2012. The Notice was sent by certified and first class mail to Post Office Box 15401, Richmond, Virginia 23227, the address of record on file with the Board of Nursing. The Notice was also sent to Post Office Box 7614, Henrico, Virginia 23231, a secondary address.

3. By Order of the Board entered on October 7, 2010 (“Board’s Order”), Ms. Harris’ application for registration by examination as a medication aide in the Commonwealth of Virginia was approved, and Ms. Harris was placed on probation subject to terms and conditions. The Board’s Order was based on findings that on August 6, 2009, Ms. Harris was convicted of one felony count of bank fraud and one felony count of conspiracy to commit bank fraud in the United States District Court for the Eastern District of Virginia.

4. Term No. 2 of the Board’s Order required Ms. Harris to inform the Board in writing of the date she changed employment within ten days. On May 18, 2011, Sunrise Assisted Living, Richmond, Virginia, employed Ms. Harris as a medication aide, and Ms. Harris failed to inform the Board in writing within ten days. At the informal conference, Ms. Harris stated that she verbally informed the Board of her employment.

5. Term No. 4 of the Board’s Order required Ms. Harris to direct all her medication aide employers to submit quarterly performance evaluations. Ms. Harris was late in submitting reports due on June 30, 2011, through December 31, 2011. At the Informal conference, Ms. Harris stated she knew she was responsible for the reports; now she ensures completion of the form.

6. Term No. 5 of the Board’s Order required Ms. Harris to request her court-appointed probation officer to provide the Board with a written report within 60 days from the date of the Board’s Order, or by December 6, 2010. Ms. Harris’ probation officer did not submit a written report until November 17, 2011.

7. Term No. 7 of the Board’s Order required Ms. Harris to submit quarterly self-reports, with the first report due on December 6, 2010. Ms. Harris failed to submit all the reports due from December 6, 2010, through December 31, 2011, in a timely manner.

8. Term No. 9 of the Board’s Order required Ms. Harris to maintain a course of conduct in

her capacity as a medication aide commensurate with § 54.1-3000 et seq. of the Code and the Board of Nursing Regulations. On her disclosure statement that was required for employment with Sunrise Assisted Living dated May 2, 2011, she answered “no” to the question “Have you ever been convicted of a law violation(s) but excluding offenses committed before your eighteenth birthday that were finally adjudicated in a juvenile court or under a youth offender law?” when in fact, on August 6, 2009, Ms. Harris was convicted of one felony count of bank fraud and one felony count of conspiracy to commit bank fraud in the United States District Court for the Eastern District of Virginia.

9. Ms. Harris has worked at Sunrise Assisted Living since May 18, 2011, and has received excellent performance evaluations, and she has not received any disciplinary actions. She has submitted all past-due reports to the Board and is currently complaint with the Board Order.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Term No. 2 of the Board’s Order.
2. Finding of Fact No. 5 constitutes a violation of Term No. 4 of the Board’s Order.
3. Finding of Fact No. 6 constitutes a violation of Term No. 5 of the Board’s Order.
4. Finding of Fact No. 7 constitutes a violation of Term No. 7 of the Board’s Order.
5. Finding of Fact No. 8 constitutes a violation of Term No. 9 of the Board’s Order, § 54.1-3007(2) and (5) of the Code and 18-VAC 90-60-120(2)(e) of the Regulations Governing the Registration of Medication Aides.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

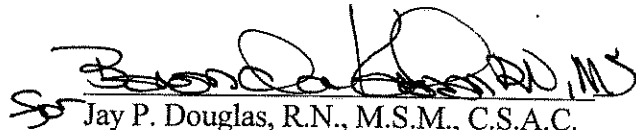
1. Happie Harris, R.M.A., is hereby REPRIMANDED and remains on probation in compliance with same terms and conditions as required by the October 7, 2010 order of the Board.
2. Ms. Harris shall maintain a course of conduct in her capacity as a medication aide

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. Harris may, not later than 5:00 p.m., on **January 2, 2013**, notify 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, 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:


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

ENTERED: Nov 27, 2012

This Order shall become final on January 2, 2013; unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing