

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

HAPPIE C. HARRIS, R.M.A. APPLICANT

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 September 15, 2010, in Henrico County, Virginia, to receive and act upon Happie C. Harris' application for registration by examination as a medication aide in Virginia, and to inquire into evidence that Ms. Harris may have violated certain laws and regulations governing medication aide practice in Virginia. The case was presented by Amanda E. M. Blount, Adjudication Specialist, Administrative Proceedings Division. Eric Gregory, Assistant Attorney General, was present as legal counsel for the Board. Ms. Harris was present and was represented by John Nachman, 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. By application dated February 14, 2010, Ms. Harris applied for registration by examination as a medication aide in the Commonwealth of Virginia.
2. Ms. Harris was indicted in the United States District Court for the Eastern District of Virginia for conspiracy to commit bank fraud and bank fraud for conduct that occurred in 2007. Post-indictment, Ms. Harris agreed to cooperate with federal authorities in the prosecution of the co-conspirators.
3. Ms. Harris subsequently pled guilty and on August 6, 2009, she was convicted of one felony count of bank fraud and one felony count of conspiracy to commit bank fraud. She was sentenced to five years of supervised release, and ordered to pay a \$200.00 special assessment and \$94,000.00 in restitution.
4. Ms. Harris is compliant with the terms of her supervised release, receiving positive reports from

her probation officer, and paying \$100.00 per month in restitution.

5. Ms. Harris has performed well in her Licensed Practical Nurse education classes and currently works full time at Lynmoore Assisted Living in Richmond, Virginia.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Ms. Harris otherwise meets the requirements of § 54.1-3042 of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application of Happie C. Harris for registration as a medication aide is hereby APPROVED. Ms. Harris is also hereby REPRIMANDED. At such time, Ms. Harris shall be issued a registration to practice as a medication aide in the Commonwealth, and she shall be placed on PROBATION 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. Harris has successfully completed her supervised probation with the federal court. The registration of Ms. Harris shall be reinstated without restriction at the completion of the probationary period without a 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 in accordance with the Administrative Process Act, § 2.2-4000 *et seq.* and § 54.1-2400(9) *et seq.* of the Code.

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

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

4. Performance Evaluations shall be provided, at the direction of Ms. Harris, by all medication aide employer(s), 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.

5. Ms. Harris shall request her court-appointed probation officer to provide the Board with a written report describing how she is meeting the conditions of her probation within 60 days from the date this Order is entered.

6. Ms. Harris shall provide the Board with a certified true copy of her final court order placed on record by the Court upon completion of her probation.

7. Ms. Harris 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.

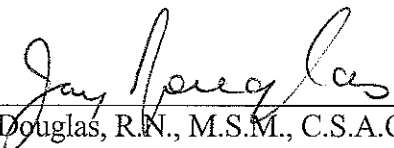
8. The Board shall issue a registration marked "Probation with Terms."

9. Ms. Harris shall conduct herself as a registered medication aide in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Regulations Governing Registered Medication Aides.

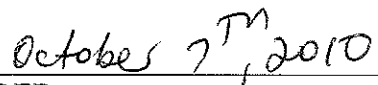
10. Any violation of the terms and conditions stated in this Order shall be reason for revoking the registration of Happie C. Harris, and a hearing shall be held to decide whether her registration shall be revoked.

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



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



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.

Certified True Copy

By 

Virginia Board of Nursing