

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LEI A. CLAIBORNE, L.P.N.
License No.: 0002-060682**

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 July 14, 2014, in Henrico County, Virginia, to inquire into evidence that Lei A. Claiborne, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Claiborne was not present and was not represented by legal counsel. 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. Lei A. Claiborne, L.P.N., was issued License No. 0002-060682 to practice practical nursing by the Virginia Board of Nursing on September 1, 2000. Said license expired on May 31, 2014. Her primary state of residence is Virginia.
2. Based upon the representations of Tammie Jones and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with Ashland Nursing and Rehabilitation Center, Ashland, Virginia:
 - a. On October 13, 2013, Ms. Claiborne diverted Tramadol for her personal and unauthorized use, for which she tested positive without a valid prescription.

b. Ms. Claiborne diverted medications as evidenced by the following:

i. On approximately 18 occasions between September 12, 2013, and October 22,

2013, Ms. Claiborne documented withdrawing oxycodone (Schedule II) on the Controlled Medication Utilization Record ("CMUR") for Resident A, an alert and oriented resident; however, Resident A denied requesting pain medication during this timeframe.

ii. On October 5, 2013, Ms. Claiborne documented withdrawing Tramadol on the

CMUR for Resident B; however, she failed to document administration on the medication administration record ("MAR").

iii. On October 15, 2013, Ms. Claiborne documented withdrawing lorazepam

(Schedule IV) on the CMUR for Resident C; however, she failed to document administration on the MAR.

iv. On October 18, 2013, Ms. Claiborne documented withdrawing hydrocodone

(Schedule III) on the CMUR for Resident C; however, she failed to document administration on the MAR.

v. On October 16, 2013, Ms. Claiborne documented withdrawing Tramadol

(Schedule IV) on the CMUR for Resident D; however, she failed to document administration on the MAR.

vi. On October 22, 2013, Ms. Claiborne documented withdrawing oxycodone on

the CMUR for Resident E; however, she failed to document administration on the MAR.

c. On October 12, 2013, Ms. Claiborne documented administering medications via PEG

tube to Residents F and G; however, she failed to do so.

4. On December 7, 2010, in the General District Court of Henrico County, Virginia, Ms. Claiborne was convicted of using the identification documents of another to avoid summons, arrest, prosecution, or to impede a criminal investigation, a misdemeanor involving moral turpitude.

5. On the employment application with Consulate Health Care – Ashland Nursing and Rehabilitation Center, dated June 21, 2013, Ms. Claiborne failed to disclose the above-referenced criminal conviction. She also failed to disclose her employment at Care Advantage and Companion Extraordinaire

Home Care Services. Further, Ms. Claiborne submitted a resume that falsely identified a family member as her R.N. supervisor at Hands on Home Care, and provided his phone number as the contact number for the agency, when, in fact, he is not an R.N., and was never her supervisor.

6. On the employment application with Care Advantage dated February 27, 2013, Ms. Claiborne failed to disclose the above-referenced criminal conviction.

7. On November 21, 2013, during an interview with an investigator from the Department of Health Professions, Ms. Claiborne's supervisor at Ashland Nursing and Rehabilitation Center reported that Ms. Claiborne's behavior changed during the last two months of her employment. Ms. Claiborne was erratic and impulsive, and she was observed to have an emotional breakdown on two occasions. Ms. Claiborne's primary care physician also expressed to the investigator that he was concerned about her ability to safely practice due to constant conflict in her life.

CONCLUSIONS OF LAW

The Board concludes that:

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

ORDER

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

1. The right of Lei A. Claiborne, L.P.N., to renew License No. 0002-060682 to practice practical nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

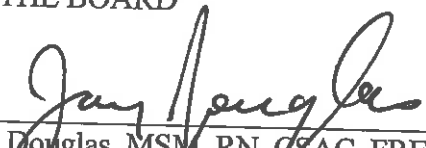
2. The license of Ms. Claiborne will be recorded as SUSPENDED. Should Ms. Claiborne seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

3. At such time as Ms. Claiborne shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

4. This Order shall be applicable to Ms. Claiborne's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia.

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, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

August 20th, 2014

ENTERED

Certified True Copy

By 

Virginia Board Of Nursing

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, MSM, RN, CSAC, FRE, 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.